DOMESTIC SECURITY (LEVI) GUIDELINES

HEARINGS

BEFORE THE

SUBCOMMITTEE ON
SECURITY AND TERRORISM

OF THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

NINETY-SEVENTH CONGRESS

SECOND SESSION

ON

THE DOMESTIC SECURITY INVESTIGATION GUIDELINES

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DOMESTIC SECURITY (LEVI) GUIDELINES

THURSDAY, JUNE 24, 1982

U.S. Senate,
Subcommittee on Security and Terrorism,
Committee on the Judiciary,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:12 a.m., in room 2228, Dirksen Senate Office Building, Senator Jeremiah Denton (chairman of the subcommittee) presiding.

Also present: Senators East and Leahy.

Staff present: Joel S. Lisker, chief counsel and staff director; Bert W. Milling, Jr., counsel; and Fran Wermuth, chief clerk.

OPENING STATEMENT OF SENATOR JEREMIAH DENTON

Senator Denton. Good morning.

This hearing on the domestic security investigation guidelines, the so-called Levi guidelines, will come to order.

I want to welcome my friend, Judge William Webster, Director of the FBI. I understand he is accompanied by John Hotis, his counsel on matters relating to the guidelines. I also want to welcome Mary Lawton, Counsel for Intelligence Policy at the U.S. Department of Justice. Ms. Lawton and Mr. Hotis, as many of us will remember, were instrumental in developing the guidelines.

Today the subcommittee begins an inquiry into the Attorney General's Guidelines for Domestic Security Investigations, commonly called the Levi guidelines, which govern the activities of the Federal Bureau of Investigation in domestic security investigations. Of primary interest to the subcommittee will be the effect that these guidelines have had on the ability of the FBI and other agencies to gather information or intelligence and to discharge their domestic security and other responsibilities.

The FBI has established a reputation which distinguishes it from all other major law enforcement agencies throughout the world. Its consistent dedication to the ideals of professional Federal law enforcement have long served as a model. The rigorous standards it has set for itself are among the highest found anywhere.

Several years ago, the FBI entered into what might be termed uncharted waters, especially with respect to its shift away from an earlier priority on street crime, an area in which the States proved to operate effectively. It has achieved substantial successes, for the imaginative investigative techniques it has developed have brought about startling results and a record number of convictions in the new priority areas of white-collar crime, organized crime, and espionage. This achievement is truly commendable, and something in which all of us as Americans can take pride.

Unfortunately, it appears that, in the reordering of priorities and the restructuring of the entities within the Bureau which deal with substantive foreign counterintelligence and domestic security, an important aspect of the Bureau's work may have fallen through the cracks. To be sure, the Bureau has allocated substantial resources to the problems of foreign counterintelligence; it has established a section within its Criminal Investigative Division to deal with terrorism.

What seems to be missing, however, is attention to organizations and individuals that cannot be shown to be controlled by a foreign power, and which have not yet committed a terrorist or subversive act, but which nevertheless in reality may represent a substantial threat to the safety of Americans and, ultimately, to the security of this country.

The organizations of which I speak may present themselves as seeking the same goals as other legitimate organizations committed to and working for higher goals. We know that, in the past, movements such as that to support the Republican government during the Spanish Civil War, the neutralism movement prior to World War II, and the movement against the war in Vietnam were exploited in exactly that way.

In the future, such organizations might choose to take advantage of popular sentiment about issues such as nuclear power, aid to nations under attack by Communist terrorists, or racism. They might seek to find support from and exploit organizations committed to causes such as civil rights reform, prison reform, or a nuclear weapons freeze.

Recognizing the limitations that have been imposed on the FBI, they would understandably attempt to hide themselves among other groups in areas well protected by the first amendment and thereby escape the scrutiny of the Bureau.

And, of course, there are groups that are open in their stated purpose of acting by violence and their advocacy of terrorism. It is obviously vital for us to have current information on them.

The people of the United States look upon the FBI as the sole agency responsible for investigating activities that we once called subversive. For many of these we have lately developed euphemisms, and the resulting attention to labels rather than substance has inhibited a full appreciation of the magnitude of the problem.

The Socialist Workers Party, the Progressive Labor Party, the Weather Underground Organization, and the May 19th Communist Organization clearly oppose our democratic principles. All of these groups favor the overthrow of the Government of the United States by force and violence. They operate effectively through a variety of fronts, and many of their members participate in organizations that are essentially nonviolent but which indirectly support and sustain the smaller groups that have nefarious purposes. Of those four organizations, only two are under investigation. Moreover, there is reportedly disagreement among Bureau officials whether one of these organizations properly falls within the guidelines.

The Weather Underground Organization has surrounded its core leadership with protective concentric structures, fronts, and organizations of supporters. These include a surface support group called the Prairie Fire Organizing Committee, as well as the John Brown Club and the May 19th Communist Organization. These groups would not even be under investigation were it not for the violent criminal activity at Nyack, in which two policemen and one guard were killed.

In addition, the Weather Underground Organization has established liaison and cooperation with other active terrorist groups—with the Puerto Rican Armed Forces of National Liberation [FALN] and its overt wing, the Movimiente del Liberacion Nacional [MLN]; with the Chicano Revolutionaries associated with the Denver Crusade for Justice, the La Raza Unida Party and the Continental Liberation Army; with the Black Liberation Army; and with the Republic of New Africa.

To implement its cooperation with these and other terrorist groups, the Weather Underground Organization has set up a number of fronts. Among them are the New Movement in Solidarity with Puerto Rican Independence; the Women's Committee Against Genocide; and the John Brown Anti-Klan Committee.

Members of the overt and front groups can aid and abet acts of terrorism or "armed struggle" by locating targets, carrying out "intelligence-gathering," providing logistical support, or actually being part of the group that carries out the attack. The degree of participation appears to be largely a matter of choice. Without support from overt groups, many or most terrorist or subversive acts could not be attempted, much less succeed.

I mention the structure and interrelationship of the groups associated with or derivative of the Weather Underground Organization as evidence that those who would seek to destroy our system operate on many fronts, both covertly and openly. They have ample support from other ideological allies such as the National Lawyers Guild [NLG], an organization formed in 1936 with the assistance of the International Labor Defense, the U.S. Section of the International Class War Prisoners Aid Society which was, in turn, an agency of the Comintern. The NLG, which now claims a membership of 6,000 lawyers, students, legal workers, and "jail house lawyers," seeks to exploit the law in order to bring about revolutionary change.

According to the NLG's own 1971 statement of policy, it claims that its struggle is "to defeat the ruling class in this country and to defeat its hold on large parts of the world" and that this is "not a struggle separate" from the full range of revolutionary and left issues in the United States.

Today, the NLG remains the primary U.S. affiliate of the Soviet-controlled International Association of Democratic Lawyers. This group and its Western Hemisphere regional affiliate, the American Association of Jurists, provide logistical support to Soviet and Cuban-backed terrorist groups.

On February 4, 1982, during an FBI oversight hearing at which Judge Webster testified, the subcommittee discussed in detail the problems associated with the Levi guidelines. On that occasion, it was decided that it was desirable to hold separate hearings on this issue.

Our hearings today and tomorrow are the result. The subcommittee will receive testimony about the scope of the limitations that have been imposed on the FBI in the wake of Watergate and the COINTELPRO revelations. We will examine not only the language of the 1976 domestic security guidelines but, more important, how that language is interpreted by Bureau officials, and how the policy that is derived from those interpretations affects the Bureau's ability to collect domestic intelligence.

At this time of ever-increasing terrorist activity, I believe the American people need an organization that has the ability, the desire, and the understanding of the threat to see through propaganda and false colors so that the American people can be informed of the threat presented by organizations committed to the destruction of our freedoms. When I speak of a threat, I do not just mean that an organization is, or is about to be, engaged in violent criminal activity. I believe many share the view that the support groups that produce propaganda, disinformation, or "legal assistance" may be even more dangerous than those who actually throw the bombs.

Many of them are immune under current policies, and they have even exploited their immunity by using the tools of the law to intimidate and cripple the ability of law enforcement personnel to do their job.

I welcome officially my very respected colleague, Senator John East from North Carolina. I invite you to make an opening statement.

STATEMENT OF SENATOR JOHN P. EAST

Senator East. Thank you, Senator Denton.

I commend you for taking the initiative in holding these hearings. I would just like to make an observation as to the spirit in which I look upon our doing this.

First, I wish to welcome the Director and I wish to say publicly that I am a great admirer of his work and great admirer of the Bureau—obviously, I do not intend to speak for Senator Denton—but we yield to nobody in terms of our being supportive of the vital and important role you have.

So the inquiry is not here to give you a public humbling of some kind. You have enough problems with this.

You might say, "Well, if these fellows are my friends, you ought to see my enemies;" and often it happens that way, that people are always battering you around, asking you why you are not doing more of this and why you are not doing less of that.

And the FBI, I guess it adheres in the nature of the thing, is caught up in the political climate of Washington as much as anything else. But I do want to say that certainly as I perceive our purpose, it is not to intimidate the FBI; it is simply to inquire in an area to determine if you think, and if we collectively think, you have adequate tools to do what we feel is a very, very important job.

I look upon this question of internal security of the United States as perhaps the most fundamental responsibility of Government. To protect us from external threat, to protect us from internal subversion by enemies, is probably the most fundamental role of Government. If Government cannot do that, then it will, I suspect, in time, lose its credibility and history will move it aside.

So it is the minimum that we expect of Government and the most fundamental role that it serves.

I would argue that I do not know of any civil right that is more fundamental in the whole phalanx of civil rights that one might protect than the right to be secure in person and in property, against terrorism, violence, subversion, this kind of thing.

So I do feel that what we are in pursuit of is a very laudable goal and perhaps the most fundamental goal that a political system must and should and can offer its citizenry.

My concern has been with the so-called Levi guidelines, as they are frequently called, domestic security investigation guidelines.

I will be candid. I have some very strong reservations as to whether they give you the tools adequate to your task. I would just like to state my position here and then we can go into this later through Senator Denton's inquiries and my own.

It occurs to me that under these guidelines, with the criminal predicate concept, you must show criminal activity precedent to or imminent criminal activity precedent to criminal investigation. It tends to throw up then a very real barrier to have to get over in terms of investigating a threat which by definition and nature does not often lend itself to that kind of approach.

Frequently we are dealing here, it occurs to me, not so much with criminal conduct per se, but gathering intelligence about potentially terrorist and subversive groups.

Now, in short, I want prevention and I want surveillance, and I feel it is important that you have the tools to do that.

The classic example that comes to mind right now, in our own time, is the Hinckley case, which has national fascination at the moment. At least allegedly he was a member of the American Nazi Party. It is unclear whether the FBI was or was not able under the Levi guidelines to even know that Mr. Hinckley had been a member of that organization because, under the Levi guidelines, I gather it would have been difficult for you to have had a real grip on the nature, the context, the membership of the American Nazi Party.

I would certainly classify it as one of those groups and activities and organizations that ought to be under surveillance. Also, as a very real example, as far as the Hinckley case goes, is the Treasury Department report which came out after the attempted assassination on the President, in which the Treasury Department indicated about a 60-percent dropoff in information flow from the FBI because of the Levi guidelines; which means it is very difficult to know about the Hinckley types. In terms of the way the law is currently structured and the way the tendency in America today is to release criminals back out into society very quickly, it strikes me we need as much intelligence data as we can get on the John Hinckleys. I am willing to trust the FBI with guidelines that would allow them to pursue more actively and, frankly, yes, aggressively, in this area of internal security and national security.

I notice this morning in the Post a very interesting article; I think the Attorney General makes a great deal of sense on

Abscam. I will not read this whole article, but the fascinating thing about it is that he is contending, and I agree with him, we intend to be aggressive; we intend to ferret out this kind of thing and to deal with it.

He said, talking about Abscam:

> By their very nature, there is clandestine crime. Payment of a bribe is not a public event. Neither the person who pays or the person who takes the bribe heralds that fact from the public rooftops.

He says:

> We need techniques and we need sophisticated and innovative techniques.

He says:

> In most cases, there is only one way for law enforcement to apprehend such criminals and deter such crimes. It must interject its agents into the midst of corrupt transactions; it must feign the role of a corrupt participant. In short, it must go undercover. And I would add, in short, it must be aggressive; it must seek this out.

You did. I commend you for it. Now, you are probably going to take a public humbling on Abscam in time, but you have stood firm on it, and I think you are right. The courts have upheld you, and in the FBI, to get back to my supportive position on you, whenever you are effective, you are going to get hit by those who are hurt by your good work. You are used to that, whether it is Abscam—I notice this morning that the Japanese Government is now blaming the FBI, you see, because you are effective. You are aggressive. You go out and you do your work.

Now, what I am anxious to make sure is that in the area of internal security, you are able to get out and do your work and I query whether under the Levi guidelines in view of the Hinckley case and the information on the American Nazi Party, again, the flow of information into the FBI, whether these guidelines unwittingly have not created a certain bureaucratic timidity, which you and the Attorney General are clearly resistant to in another area, like Abscam.

You are standing your ground and rightly so, and you are going to have to stand it even further because now you have stepped on congressional toes and that is the worst of all to step upon. The Japanese toes may be tolerated, but congressional toes are the ones you are going to have to be very careful with.

I then hope that what we accomplish in coming out of these hearings, Judge Webster, is simply a fair exchange of ideas, a candid discussion whether the FBI has the adequate tools, and in particular whether the Levi guidelines are an adequate tool, one of the adequate tools you need in order to pursue in an effective—yes, fairly aggressive way—your job of keeping tabs on such entities as the American Nazi Party or the May 19 Communist Organization or the John Hinckleys or the Kathy Boudins or the Judith Clarks, and so it goes.

We ought to know who those people are and what they are up to as much as whether our own membership is taking bribes. We ought to know both—or whether there are foreign companies in here stealing from American companies. We ought to know that, too.

The FBI ought to have the tools to do it. It ought to have the support of the U.S. Congress to do it.

I again cannot emphasize too strongly that we ought to avoid the tendency in all of this, that when the FBI does have the tools and when it does do its work effectively, that we not contribute to this political climate of intimidation against it, to cause it to back off, to cause it to set up guidelines in which it somewhat ensconces itself and overly protects itself simply to avoid this political criticism or that political criticism.

I fear at some point you simply could be forced by intimidation into a cocoon, in which the less you do the better. FBI agents don't get sued. The FBI feels bureaucratically comfortable.

But my point is, are we in the Congress giving you the political and public and financial support so you can carry out every fundamental obligation that you have; namely, not only the pursuit of criminals but the pursuit of intelligence data?

Intelligence data is very important in this case to allow us to anticipate and to prevent genuine and real threats to this country in whatever form they might take.

So Mr. Chairman, I may have gone on a bit too long, but I did want to let the Director understand that he is among friends here and we approach these hearings, I know the chairman certainly shares my sentiments here, in that kind of spirit.

Senator **Denton**. Your observations are relevant and valuable, Senator East. Thank you very much.

I want to acknowledge the presence of, and extend a welcome to our friend from Vermont, Senator Leahy, and ask him if he has an opening statement.

STATEMENT OF SENATOR PATRICK J. LEAHY

Senator **Leahy**. Mr. Chairman, I think by now Judge Webster has probably heard enough opening statements. I would comment on one of the things in your prepared remarks, Judge, about the need for some type of guidelines which saves you from the people using hindsight to tell you what you should do.

I recollect my own experiences as a prosecutor. Most of the police departments that I dealt with were happy to follow whatever the law might be, for someone to lay it down before them. They felt secure in acting within whatever the law was. Most of them said they were not about to try to fight the law. They were, after all, sworn to uphold the law. They just wanted to know what it was.

So I would be most interested in knowing, do you have adequate means, with your own excellent department, do you have the means of letting your own agents know exactly what they can and cannot do and, second, do you have the means of knowing whether they are doing what they are supposed to be doing and, last, does having firm guidelines for your agents help you ultimately having convictions sustained? Because as anybody who has been in law enforcement knows, it does you little good to arrest somebody and then find that you have not followed the law and it is not sustained.

You are probably in a unique position, in fact you are in a unique position, as the only Director of the FBI who has been both an appellate court judge, an extremely important appellate court, and now to be at the initiating level.

So, Mr. Chairman, I think these excellent hearings will be very valuable hearings and I look forward to the testimony of the Director.

Thank you.

Senator DENTON. Thank you, Senator Leahy. We now afford you an opportunity, Judge Webster, to make an opening statement.

TESTIMONY OF HON. WILLIAM H. WEBSTER, DIRECTOR, FEDERAL BUREAU OF INVESTIGATION, WASHINGTON, D.C., ACCOMPANIED BY JOHN HOTIS, COUNSEL TO THE DIRECTOR; AND MARY LAWTON, COUNSEL FOR INTELLIGENCE POLICY, U.S. DEPARTMENT OF JUSTICE

Mr. WEBSTER. Thank you very much, Mr. Chairman.

I am pleased to be here today to discuss the Attorney General's guidelines on domestic security investigations. This has long been one of the most controversial areas of the Bureau's activities.

These investigations are based on a very fundamental responsibility of government—the duty to protect the public against political and racial terrorism and against those who would destroy our political system through criminal violence. And yet we must be careful in exercising this responsibility to insure that our investigations do not spill over into areas of legitimate political dissent.

The proper dividing line between official power and personal liberty is sometimes difficult to discern. That is particularly true in times of great domestic strife when enormous pressures can be brought to bear upon the Bureau to respond in ways that would not otherwise be expected of us. I believe that some of our problems of the past are attributable to those pressures and to the absence of any clear guidance as to how that delicate balance should be struck.

The guideline process began in March 1975, when Attorney General Levi established a committee consisting of representatives from various offices and divisions in the Department of Justice and the FBI. The committee's task was to prepare guidelines for all areas of FBI activity, but it concentrated first on those areas in which Congress had expressed the most concern.

With the exception of the Foreign Intelligence and Counterintelligence Guidelines which are classified, preliminary drafts of the guidelines were furnished to Congress for public comments. All the guidelines follow a similar format, defining the FBI's responsibilities, detailing the techniques which may be used and those which may not be used in carrying out these responsibilities, specifying the level of approval required for certain actions and what reports must be made to the Attorney General, and noting the circumstances under which information may be disseminated outside the Department of Justice.

The guidelines governing domestic security cases were put into effect in April 1976. They have been in use since that time without any substantial modification. It is difficult to measure the effect of these guidelines on our operations, but we believe they have served us reasonably well. They provided a statement of policy for the Bureau at a time when our authority in these matters was the subject of critical debate in Congress and elsewhere. And there have been no successful suits against an FBI agent for activities arising out of domestic security investigations that occurred after the guidelines were adopted.

There has been a steady decline over the past 10 years in the number of domestic security cases conducted by the FBI. Some of the cases were closed, of course, because of the application of the guidelines, but other factors have also been involved. For one thing, some of the laws and regulations dealing with internal security matters have changed substantially over that period of time—the Attorney General's list of subversive organizations was abolished, the Emergency Detention Act which authorized the collection of information on persons considered dangerous to the internal security in a national crisis was repealed, and certain domestic intelligence investigations conducted in support of the Government employees security program were discontinued.

Moreover, changes in the internal policies of the Bureau also affected the program. Investigations on "rank and file" members were discontinued, some were shifted to the Foreign Counteringelligence Guidelines, and others were closed with the new emphasis on quality over quantity. And, of course, there were substantial changes in the political climate as well.

It is important to understand, however, Mr. Chairman, that the number of domestic security cases alone does not give a complete picture of the Bureau's counterterrorism program. Some groups are investigated for specific crimes such as a bombing or assassination and intelligence information is collected as a byproduct of that investigation. Others have been successfully investigated as racketeering enterprises under a separate set of guidelines. Sometimes cases overlap and we will conduct parallel investigations under the General Crimes and Domestic Security or Racketeering Enterprise Guidelines. One recent example involved the arrest and indictment of 10 members of a Croatian national resistance group on a variety of Federal charges.

Nine of those were apprehended by the FBI in various cities throughout the United States. One was arrested by Canadian authorities in Ontario. The 10 were accused of at least 2 murders and several murder, arson, and bombing conspiracies which targeted representatives of the Yugoslav Government and individuals of Croatian origin who refused to provide financial support or who publicly opposed the use of violence.

The largest number of terrorism cases at the present time fall under the category of international terrorism. This includes groups who act on behalf of a foreign power or whose activities transcend national boundaries. These cases are investigated under the Foreign Counterintelligence Guidelines and we have recently had great success using the provisions of the Foreign Intelligence Surveillance Act. You may be aware of a decision last week by the District Court for the Eastern District of New York upholding the constitutionality of that act in its application in an investigation of persons charged with providing weapons to the Provisional IRA. More recently, we arrested three members of an Armenian terrorist group for the attempted bombing of the Air Canada terminal at Los Angeles Airport.

I think it is fair to say, therefore, that we may have had some excellent results in our counterterrorism program.

This is not to say that the rules are perfect. No rules are. We have experienced some difficulties with the Domestic Security Guidelines in particular, which I will discuss in a moment. I am confident, however, that these problems can be resolved in a way that improves our effectiveness without any loss of individual rights. In fact, we have worked very closely with the Department of Justice in these matters over the past several months and are prepared to submit recommendations to the Attorney General.

The principal reason why some modifications in the guidelines are necessary is that they no longer relate well to the groups under investigation. At the time the guidelines were formulated, responsibility for investigating domestic security matters was assigned to the Intelligence Division of the FBI. Beginning with the pre-World War II mobilization, the President directed the FBI to keep track of "subversive" and "fifth column" groups in this country. This carried forward into the cold war era and concentrated primarily on long-established Marxist, Leninist, and Trotskyite groups. Because they were, in large part, political organizations, they were relatively easy to penetrate and monitor. They often had a formal organizational structure, sometimes with national, State, and local chapters. They selected identifiable officers, accepted new members readily, held open meetings, and prepared official publications. The typical investigation consisted primarily of monitoring the activities of these groups, identifying their members and reading their publications.

The emergence of the civil rights movement in the 1960's stimulated the growth of certain black and white extremist groups. These tended to be loosely structured affiliated rather than formal organizations. Investigations of these groups again concentrated primarily on monitoring their activities and gathering intelligence about the organizations.

The New Left and anti-war activities in the late 1960's and early seventies led to increased pressure on the FBI to respond to widespread riots and disorders. Traditional methods, however, became less and less effective because the membership was very fluid and leadership was more a matter of group concensus. Against this background, the thrust of the Levi guidelines was to force a reexamination of our domestic security investigations—concentrating on conduct rather than ideology. The guidelines required that groups under investigation be reviewed in terms of activities undertaken to overthrow the Government, influence Government policy by violence, or deprive citizens of their constitutional rights. Restrictions were concerned primarily with infiltration of groups which were essentially political, not violent. The law enforcement nature of these investigations was stressed to the extent that the word intelligence was never used.

Responsibility for domestic security investigations was later shifted from the Intelligence Division to the Criminal Investigative Division whose focus is traditionally prosecutorial. The number of groups under investigation was reduced to focus on those actually engaged in terrorist acts. In the late 1970's, these tended to be racist or pro-independence groups and certain ethnic coalitions seeking redress or retribution for perceived grievances. The restrictions on infiltration, properly designed to prevent spying on essentially political organizations, made it especially difficult to penetrate these groups. Accordingly, investigations tended to focus on past criminal activities rather than on collecting intelligence about the groups themselves and their future plans.

I believe that our domestic security investigations today are best understood if they are viewed as another form of criminal intelligence. They entail not only determining who committed specific criminal acts, but also how those individuals relate to others similarly motivated, how they are financed and supported logistically, and who their leadership is. In this respect, the terrorist groups functioning today are no different from other criminal enterprises, except that their motivation may be political rather than financial. They should be pursued as organized criminal enterprises and the FBI should undertake to gather both criminal intelligence and evidence for prosecution. This would allow us to cross organizational lines in our investigation without regard to what particular group or element of the group might call itself.

It would no longer be necessary for us to provide a separate justification for investigation of so-called "front groups" if there is any information indicating that the members of such groups are also knowing members of the criminal enterprise.

This approach would enable us to simplify the guidelines and to adopt uniform standards and reporting procedures. It would also permit our agents to utilize the full range of authorities available to them in the most effective manner.

In my earlier testimony before this committee, I identified several areas of the guidelines that require some clarification or revision. As you may recall, one of our major concerns is with the use of informants during the early stages of investigation, which are called preliminary and limited investigations.

Under current rules, we are limited to the use of established informants—that is, persons who are currently used to provide information. Limitations are also placed on our ability to infiltrate or penetrate organizations, turning on such distinctions as whether the organization is a splinter group of an organization under full investigation or whether the invitation to attend has been extended by members of the group. This has made it difficult at times to screen our cases effectively and to acquire the kind and amount of information that would justify a full investigation.

The problem with this approach is that it treats informants as though they are commodities on a shelf that can be used interchangeably regardless of the kind of organization involved. It should be apparent that an informant cannot move freely through such diverse racial and ethnic groups as the Klan, the Weather Underground, the FALN, and the Republic of New Africa. It seems also to be based on the premise that the Bureau has an unlimited pool of informants that it can draw on to meet its investigative needs. Unfortunately, the rules were drafted for earlier days when we had more groups under investigation and there was less diversity among the groups than there is today.

There has also been a tendency in the past to close a domestic security investigation at the end of one year if the group has not engaged in violent activities during that time even though it may remain committed to the use of violence. Once the investigation is closed, all informants reporting on that organization must be redirected or closed. If the organization becomes active again, it is a difficult and time-consuming process to redevelop effective informant coverage. Some of the more militant groups operate on the very edge of violence and circumstances alone determine whether they will engage in criminal activities. Without effective informant coverage it becomes almost impossible for us to anticipate any future criminal activities. What is needed is a procedure that allows us to maintain a low level of awareness about organizations who may be temporarily inactive, but whose prior record or stated objectives indicate a need for continuing Federal interest. This would enable us to monitor the activities of the group and to determine whether there is any change in its status or objectives, but to do so in a manner that reduces the level of intrusion.

One of the more troublesome issues in domestic security matters is how to respond to persons or groups who advocate illegal conduct. The question is whether words, unaccompanied by conduct, can be the subject of an investigation. We must be careful, of course, to preserve the right of free speech and to insure that investigations are not used in a way that would inhibit statements that present no serious threat to society.

This is not to say that statements alone, particularly statements that advocate criminal violence, or indicate an apparent intent or ability to engage in violence, are protected against investigation. In some cases, it may be apparent that such statements are harmless and do not warrant any further inquiry. In others, it might not be possible to draw any conclusion without acquiring additional information. I believe the guidelines give us broad discretion in these matters and that advocacy of criminal violence is not immune from investigation. As Prof. James Q. Wilson put it, one who advocates illegal conduct, especially conduct of a violent nature, has "no right to expect that the government will ignore such words and disclaim any interest in learning whether such statements indicate that these persons are planning violent acts."

Finally, there has also been some criticism about our inability to review periodicals or other publications of organizations that are not under investigation. There is no prohibition against the practice in the guidelines. The problems stems largely from the Privacy Act which prohibits agencies from maintaining records on how one exercises first amendment rights unless it is in connection with an authorized law enforcement activity. Thus, we cannot collect that information unless the group is under active investigation. It is not clear how useful that material would be, but it makes little sense to deny us information that is available to the general public. We are currently exploring ways to deal with the problem in a manner that is consistent with the provisions of that statute.

In closing, Mr. Chairman, let me repeat what I said on an earlier occasion. My problem today is not unleashing the FBI, my problem is convincing those in the FBI that they can work up to the level of our authority. Too many people have been sued, too many people have been harrassed and their families and life savings tied up in litigation.

We need guidelines to protect us from unwarranted litigation and from exercises in hindsight that undermine the public's confidence in the integrity of our organization. It is important, therefore, that we develop a national policy on domestic security matters and that we do so in a way that creates a lasting consensus.

Mr. Chairman, that completes my formal statement. I appreciate the opportunity to present it and I am ready and happy to discuss or respond to the questions that you or the members of the committee might have.

Senator **Denton**. Thank you very much, Judge Webster.

I ask that you and Mr. Hotis and Ms. Lawton now rise to be sworn in and then I will supervise the questioning of each of you separately, starting with you, Judge Webster.

Would you raise your right hand?

Do you swear that the testimony that you are about to give before this subcommittee will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. **Webster**. I do.

Mr. **Hotis**. I do.

Ms. **Lawton**. I do.

Senator **Denton**. Please be seated.

We will start the questioning with Judge Webster.

In your opening statement, Judge Webster, you indicate that you would redirect the Bureau's attention from the quantity of domestic security cases to the quality of such cases.

Is not the effect of that and other related statements in your prepared remarks an indication that the Bureau is out of the domestic intelligence business?

Mr. **Webster**. I would hope not, Mr. Chairman, because there are—continue to be—organizations within the United States which do engage in violence for political purposes, which do plan to engage in violence for political purposes and they ought properly to continue to be the subject of our investigations and prosecutions.

What I do say is that in a period when the FBI lost almost 1,000 agents, since 1976, it was necessary for the Bureau, in all its programs, to emphasize a quality approach to get the maximum impact from the resources that were—that are—available to it and it was not just in domestic security; it was in every program of the Bureau.

In addressing the domestic security area, we found that we had been engaging in manpower allocations that were not really producing anything of significance and that vast amounts of money were being paid out for information that was not productive; we were paying dues in organizations that were not engaging in anything of significance. So we simply had to make some priority choices.

The number of domestic investigations did, in fact, shrink; on the other hand, I think I should point out that during the period that I have been Director, and I have followed it closely, the number of terrorist incidents has declined significantly from the average number of about 100 when I came aboard, cut down 1 year ago to 29 terrorist incidents in the United States and Puerto Rico. Last year, it was about 41. Those tend to be hardening, with more serious events, but I do not think that we are trying to get out of the business. We are trying to make our effort in the business carry the appropriate impact commensurate with the resources that the Congress supplies.

Senator DENTON. You did remark before the Anti-Defamation League of B'nai B'rith, November 19, 1978, that—

> In today's FBI there has been about a significant shift in emphasis. Any internal security program of gathering information on dissidents is gone. We are out of the business of gathering data on organizations engaged in First Amendment activities. We are now concentrating on organizations which engage in or conspire to engage in acts of violence.

I am no expert in this area by any means. I am only vaguely familiar with the excesses on the part of the FBI and CIA during a time in which you noted in your opening statement that the Nation was suffering severe stresses.

It was very disturbing to me to be introduced to hours of news clips, which I was supposed to watch, covering the sixties, late sixties and early seventies while I was in Vietnam. I was not able to watch them in their entirety, Judge Webster. I have a great compassion for those who went in one direction or another during those times and a tremendous empathy for those in the middle who almost had their backs broken by what this Nation was enduring.

With respect to the speech you made which I just quoted in part, what do you mean by first amendment activities, organizations engaged in first amendment activities?

Mr. WEBSTER. That of course was a speech given in 1978 before a group in New York City. It was not intended to be a definitive or legal monograph.

What I mean by first amendment activity is the exercise of activities protected by the first amendment to the Constitution of the United States; that is, of course, the right of free speech or right of free press.

As the chairman knows, that is not an unlimited right. The only one I ever know who advanced that argument was Justice Black. But I know of no other Justice who has ever taken that position.

I consider first amendment rights to be the rights of dissent, to express a view that is different from those who hold the positions of power and authority in the country. I do not consider a first amendment right to be one that Justice Oliver Wendell Holmes called "crying fire in a crowded theater." I agree with Justice Jackson that the Bill of Rights is not a suicide pact, and the first amendment is a part of that Bill of Rights.

The first amendment right is clearly the right to talk about a point of view—a right which I think most Americans cherish. That is what distinguishes us from other countries of the world, the right to express our views. When that expression turns to advocacy of illegal or unconstitutional conduct, then I no longer consider that to be the first amendment right.

Senator DENTON. One could make an interesting philosophical study, which is beyond the scope of this particular hearing, about the effects of various types of advocacy on public attitudes such as where the U.S. system is shown to be much less efficacious than it really is relative to the Soviet system. This is accomplished through movies, television, radio, and has tremendous impact on our youth who are in the formative stages in their opinions and therefore less able to reject the fallacies when they hear them.

It is a deep subject, especially when it involves advocacy other than that of violence or committing violence. It is a question of the interpretation now given the first amendment, which seems to be currently more in line with Justice Black's point of view in that it is an unlimited right. Whatever we do in this Government or in this country should be measured by that charge to the government to promote the general welfare. I have serious reservations and concerns that the present view of an unfettered, unrestricted first amendment may not be promoting the general welfare, especially in light of some current applications of the first amendment by the media. I intend to carefully focus on this question within the next several years of my tenure in the Senate.

How would you discuss the balance which exists between one's right to advocate the most violent criminal activity and the right of a government to seek to identify and monitor those who would destroy it?

I say that with the observation that the courts, and the government in response to the courts, may be accused of overreacting by insuring virtually no intrusion into areas which relate to first amendment rights.

Mr. WEBSTER. If I understand the question, and I believe that I do, I would start by observing that it is my understanding that a member of a Communist Party or a member of the American Nazi Party can run for political office if they can obtain the nomination under whatever mechanisms exist in any one of the several States. In fact, I believe one member of a Nazi Party succeeded in winning the primary in his State for high office not long ago.

Thus, the Government contemplates some tolerance for extreme positions. At the same time, I believe that we have the responsibility to protect the national security, given a reasonable suspicion that an individual is advocating, through his political affiliations, some form of violence. I refer continually to violence because that is what you were talking about, violent overthrow of the Government—some form of violence, with any form of past history or awareness or present ability to personally or through incitation of others, bring the country that much closer to that type of violence.

Where that happens, we have an interest.

Now, that interest may level off when we find that the person is an occupant of a ward in a mental institution. It levels off not only because we cannot do very much about it, but we can hardly afford to put somebody outside his door. I use that as an extreme example and, as you get closer to real situations, you have other judgments that have to be made.

And we have in the past relied upon the Department of Justice to supply to us that kind of assessment—and have done it in concert with the Department of Justice—whether or not a particular organization, or particular group of individuals are exercising their rights in a way that is taking them, or others, close to the brink of criminal activity.

I know that there is a dichotomy in discussions in this area about the criminal standard and I presume we will get into that in more detail later.

But I would simply like to observe, I know of very little conduct in this area that does not turn out to be criminal or including a conspiracy to engage in criminal activity.

Senator DENTON. I will ask one more question, then turn it over to the ranking minority member here.

Is advocacy of violence alone, or a rhetoric of violence alone in public speeches, or publicly available documents ever sufficient to initiate a preliminary domestic security investigation?

Mr. WEBSTER. Well, the guidelines do not talk about advocacy at all. So I think we have to interpret these guidelines and they have been interpreted from time to time.

I think we start by saying that we do not investigate because we do not like what we are hearing. We would look into an organization because of its potential for violent criminal conduct or its potential to create that activity in others.

I have said during the past year or 2 years, when the question has came up, that I would not hesitate to direct a preliminary inquiry, which is the beginning point under the guidelines. I would not hesitate to find out. I think we have a right to find out what it is that we are dealing with.

Now, that is not the same as saying that we immediately bring out all the big weapons, the target for penetration and so on; that again is another subject. It is a long, difficult, expensive process. We have a right to find out what kind of animal we are talking about. And if we find out we are talking about an animal that we can investigate under the guidelines, we should investigate and we should stay with it until we are satisfied that that organization is not going to engage in such activities.

The May 19th Organization is an example of one that we knew a little about, we did not know much about, but following the Brinks robbery we took immediate steps to find out whether that organization was embarked on a course of action that should result in countermeasures by the Government.

Senator DENTON. I would think that that the May 19th Communist Organization might serve as an example of an organization whose violent activities may have been prevented if they had been monitored and investigated prior to the Brinks robbery. I am sure there is a counter argument to that opinion.

I hope that in your testimony, as you have done in most cases so far, you will delineate between that which limits the FBI adversely from your point of view, in terms of reduced assets or other considerations separate from the restraints of the guidelines.

Mr. WEBSTER. All right. That I will, indeed.

Senator DENTON. Thank you.

Senator Leahy.

Senator LEAHY. Thank you, Mr. Chairman.

Judge, if you have a choice, either to have the Levi guidelines or no guidelines, what would be your choice?

Mr. WEBSTER. The Levi guidelines.

Senator LEAHY. And if there are going to be changes made in the Levi guidelines, and you suggested some areas where there may be some, is that something that should be done up here on the Hill or is that better done by your department in conjunction with the Justice Department and the Attorney General?

Mr. **Webster**. Well, since it is not legislation and they do represent guidelines that are supposed to be reasonably flexible, it seems to me that the best approach is for the Department and the Bureau to work together to improve, modify or change guidelines that, because of the process of time, or the lessons of experience, tell us ought to be modified. And then the oversight committees, and I consider this the appropriate oversight committee, should be informed of the proposed changes and have the appropriate opportunity to comment and discuss them.

I think since these hearings have already started, and we are substantially finished with our review of the existing guidelines, they are going to come together about the same time, and we certainly want to take into account the views of the committee before any kind of final changes are made in the proposed guidelines.

Senator **Leahy**. If we were to become actively involved in trying to write guidelines, it would really behoove us to do it through the mechanism of a charter for the FBI, would it not?

Mr. **Webster**. Well, the charter is the other alternative which would deal with many of the areas covered by the guidelines but I would hope it would not be as inclusive as guidelines are, because they are so difficult to change once you have a charter.

Senator **Leahy**. Should we take another stab at an FBI charter? Do you have any feelings on that as Director?

Mr. **Webster**. Well, I have supported the draft that came up here. I continue to support it, but from a pragmatic point of view, I do not know whether you want to take that on at this time or not.

Senator **Leahy**. You are not putting the signing ceremony on your schedule yet for the legislation.

Mr. **Webster**. Not yet.

Senator **Leahy**. Judge, what is the standard you use if you are going to begin a preliminary domestic security investigation?

Mr. **Webster**. Well, the standards are set out in the guidelines and a preliminary investigation may be undertaken on the basis of allegation or other information that an individual or a group may be engaged in activities which involve, or will involve the use of force or violence and which involve or will involve violations of Federal laws for one or more of the purposes enumerated in the guidelines.

So the standard really is that we have information or allegations that a group may be engaged or about to become engaged in violent conduct which offends Federal law.

The combination of the "will" and the "may" means to us that we are using not a probable cause standard but a reasonable suspicion standard.

Senator **Leahy**. So you do not need probable cause to find that either a crime has been committed or is about to be committed?

Mr. **Webster**. No.

Senator **Leahy**. One of the things I suppose everybody in law enforcement gets hit with is that somebody will always come up and say, my God, there is a law on the books and you are not following it. Or there is a crime that has been committed, or may be committed and you are not investigating it. I know of no law enforcement agency, certainly in this country, at the Federal level, State level, county level, or municipal level, that has ever had enough resources to enforce every single law on the books. I question whether most legislative bodies really want every single one of the laws on the books to be enforced. Certainly nobody has the ability to investigate adequately every crime that has actually been committed, to say nothing about those that might be.

The FBI is in the same circumstance; you do not have the resources to do every single thing that you might want to do.

Do the guidelines help you to focus where those resources are going to go, or is that something that you are going to be doing with or without the guidelines?

Mr. **Webster**. I think that is something, Senator, that we would be doing with or without the guidelines.

Senator **Leahy**. So that your determination, your determination of where best to use whatever resources you have is based on your own—your own and the Justice Department's idea of what is best policy, what is best law enforcement policy, which crimes are most significant, which ones should be investigated; is that correct?

Mr. **Webster**. That is correct.

We establish priorities within the Bureau, with the help of the Attorney General, then we establish internal priorities within those programs to improve the quality of the work. We are more interested in a $500,000 embezzlement than a $1,400 embezzlement. Then we turn to the U.S. attorneys who have been encouraged by the Attorney General, and I say this for all Attorneys General, to establish prosecutive guidelines within their districts, so that the Bureau does not come in with cases and hear them say, "They are very nice, but I think the State or somebody else ought to do that. Do not bring me those cases."

We are now having law enforcement coordinating committees established by the Attorney General, which include State and local investigators and prosecutors, to help divide up the work network or consolidate the work effort, as the case may be. So these are the guides that we use in selecting the work to be brought.

We do not, in distinction from the English system, exercise our own judgment about whether a suit or a complaint should be filed or not. That, under our system, belongs to the Department of Justice.

They have the prosecutive discretion. We bring the case to them, they accept it or turn it down. So we just do not say, well, there is nothing there, forget it. We open an investigation, we take the package to the Attorney General, to the U.S. attorney, and he makes that decision.

Senator **Leahy**. Thank you.

Thank you, Mr. Chairman.

I am off to another committee meeting.

Senator **Denton**. Thank you. Glad to have had you with us, Senator.

Senator **Leahy**. All yours, John.

Senator **East**. Leaving the two of us alone is a dangerous thing.

Senator **Leahy**. I put my faith in Judge Webster. I think he can handle us at either end of the spectrum.

Senator **East**. Judge, allow me to clarify some points here in terms of these hearings and how they might be a part of this process of reevaluation.

First, I am assuming that the Bureau, in conjunction with the Justice Department, is specifically in the process, in an active process of evaluating, reassessing the guidelines?

Mr. **Webster**. That is correct.

Senator **East**. That is being done?

Mr. **Webster**. It is substantial.

Senator **East**. You have not yet set up a specific time for a report or decision?

Mr. **Webster**. No, but we are not far from that, Senator. We are in substantial agreement at the present time and I think the work product is now going up to the highest levels and following that, then we will be able to make it available to the Judiciary Committees.

Senator **East**. Could you give me a rough idea of the timeframe?

Mr. **Webster**. Well, we—I think that we are talking about weeks.

Senator **East**. Weeks?

There are 52 in the year.

Mr. **Webster**. I realized that when I said it. [Laughter.]

No, I think we are not talking months. We are talking weeks.

Senator **East**. Less than 4, then?

Mr. **Webster**. Yes.

Senator **East**. Not to require you to anticipate what might come out of the process, because, like you are saying, it is now going on, you would anticipate in less than a month that some sort of decision would be made.

Is there really any basis at this point for thinking there could be revisions, and if so, what nature?

Mr. **Webster**. I do not want to speak for the Attorney General, but from my point of view there is and that has been the thrust of these studies.

Senator **East**. So without getting into particulars, I would not mind, but I do not wish to prejudge where you might want to go, which I think would be inappropriate; we want you to go through your study process before you say what you are going to do.

I certainly would be glad to hear if you have at this point made up your mind on any specific changes or lack of change.

Now, maybe you would rather forego commenting on that and I would fully respect the process.

Is that about where you are?

Mr. **Webster**. Yes. I would rather refrain from getting into the specifics of it, if I may, but to maybe pique your curiosity or to maintain your interest, which I know will be maintained in any event, the drafts that I have seen try to bring domestic security issues in line with other criminal enterprises that we are now conducting and gathering intelligence about, such as organized crimes.

This recognizes and gives some value to the intelligence gathering function as it relates to our responsibilities. That in and of itself, I think, will then strengthen our capabilities in this area. It attempts to address the problem I mentioned in my opening statement of treating informants like they were something on a shelf that you could whip in and pull out and/or turn on and turn off like you do a wiretap and be right back where you started from. So that we can recognize and have some way of maintaining contact with organizations that may sink below the level worthy of commitment of expensive resources. It does not, of course, address the privacy problem because that is a statute. We are going to work very hard to see if there are not better ways that we can maintain the type of generalized information, or particularized information for that matter, that competent analysts need to understand the world around them, without being precluded from doing so by the Privacy Act. Those are just some of the examples.

I think that you will be—at the risk of predicting your response—I think you will be pretty much pleased by the direction that it is taking. I think it does so without doing damage to any of the cherished values that we associate with individual liberties and the rights of free speech.

Senator **East**. So as you are describing it here, you are, it seems to me, headed in the direction, you compared it with bringing you in line with the approach you might take as regards criminal activity generally, aside from the criminal predicate problem which is separate and apart from that; that is as preliminary to your investigations, it would strike me then that that would suggest a more aggressive potential, I mean, aggressive in the best sense of intelligence gathering on the part of the FBI bringing you more in line with the standard that the Attorney General is defending, as regards Abscam. What problems are there, we intend to ferret them out. So in that sense, you see a more—at least from my vantage point, a more positive direction that you would be taking in regard to the guidelines. I mean you may not accept my description, but I am operating on the assumption, I look upon the guidelines of 1976 as unduly restrictive, somewhat self-imposed timidity on the part of the FBI in which it simply has a self-imposed restraint here; they do not permit it to pursue intelligence gathering in internal security, in the area of internal security and terrorism.

Mr. **Webster**. I could agree with most of what you just said, Senator, except I hesitate to call those self-imposed.

If you recall the climate of the times, the guidelines came when there was enormous pressure from the Congress to limit and define activities in this area.

Senator **East**. Yes, that is the problem you face, the political pressure from the Congress.

Now, once you get into Abscam, you will be subject to all kinds of—I do not mean to prejudge that the seed will get a little heavy from time to time and the pressure will be to build guidelines that certainly would protect public officials. Maybe organized crime is all right, or Japanese businessmen stealing secrets, but guidelines to protect public officials, and I hope that in that area, which will come out of that, that the FBI and the Department, the Department of Justice does not find itself so intimidated by the political climate, have to so overreach that again it is somewhat of a self-imposed limitation on what it can do.

I appreciate your problem. You might say, well, what else can we do? We have this strong reaction against us; we have a powerful political climate against us; we have the U.S. Congress really down on us and they control our purse strings, and they could make our charter; what do you expect us to do about that? We cannot. We have to develop "guidelines" that will allow us to protect our agents, to protect ourselves, so you take a very defensive posture and I can understand how you would.

I would hope that in this area of internal security, and in the area of Abscam or any other kind of activity, where you have legitimate reasons to pursue it, we ought to give you the moral support and we ought to give you the logistical support, and I am focusing here upon the moral and logistic support in this area.

Let me pursue another line, if I might, on this. You see, my concern about the current adequacy of the guidelines is examples.

Now, the last time we had a hearing on this some months ago—you were there—we were talking about this May 19 organization which had engaged in rhetoric, clearly advocating armed revolution, armed struggle, and this and that and the other thing, and Judith Clark and Kathy Boudin had been members of it, and the point was it would be hard to have real intelligence data on that. Because under the guidelines, unless these organizations or prominent individuals or leaders therein committed acts of violence or terrorism, or were about to do so, they could not be investigated.

So it was a little unclear at that point whether the May 19 organization was or was not being investigated. In any case, my point would be that we obviously did not have that information. It was simply not available to us, appreciating with the absence of the guidelines you may not have had it because you have limited resources, as Senator Leahy is attempting to point out, so I am not saying that you do not have a finger on every crime that is committed in this country, that somewhere or another your people are being delinquent because we cannot give you the resources to do that.

But the better case I would like to focus on for the moment, since we have gone over that before, getting back to the *Hinkley* case.

Now, I gather under the guidelines, again the point I was making in my earlier observation was that under the Nazi Party, which UPI and other sources claimed he was a member of, now whether he was or was not, I do not know whether that was finally determined, but the point is that under the guidelines the American Nazi Party, or at least even with the guidelines, was not under active investigation by the FBI, which I do not mean to come down too hard on, but I find it a little troublesome to think that the American Nazi Party, with the general type of person it has attracted, that they would go unscathed in terms of some sort of effective monitoring, since it is such a small group, and yet such a degenerate group politicially and mentally, that we would not have some handle on that organization in terms of intelligence material and some idea as to who the people who are in it, so that at least we could have said, no, no, we had never encountered John Hinckley's name. That fellow, we do not have any data. It cannot be that big of a group, the American Nazi Party. It has to be a thimble of people, generally, in my opinion, in what you are investigating.

But since you would not know, and one reason might be the Levi guidelines would not let us investigate the American Nazi Party because it is a lot of hot air and troop marching and stomping and stammering, but not really serious criminal activity. That troubles me.

And then, second—and I will let you comment upon it, on the *Hinckley* case.

One, the American Nazi Party, not knowing much about the party and not knowing whether Hinckley was or was not a member of the Nazi Party—I mean, who was this fellow Hinckley? I mean a good person to get a reading on, a Hinckley, he would drift into an organization like that.

Of course, he could drift into any organization but that would seem to be the kind of thing that he might be attracted to. At least they claim he had been a member, and the press picked it up and so on and so forth.

But more particularly, I thought it was rather revealing when, as you know, in that Treasury Department report, when the Secret Service says because of the guidelines it has gotten this 60-percent drop in information flow and that report expressly attributes that decrease in flow to the guidelines, and the implication is rather clear, not only implication, it is very explicit in that report from the Treasury Department, they did not have any information, the Secret Service, on this fellow Hinckley.

Now, he had been drifting around, stalking Carter, stalking other people, apparently, and Hinckley was out there and it might well have been with a more effective flow of information—I think, again, it is not so much in this internal security area of criminal activity per se as it is intelligence flow data, information.

What are the John Hinckleys doing, who are they, where are they? To have a heavy flow of information, I think any guidelines you have ought to be based upon the premise if we looked into this fellow or that organization, would we have some—possibly get some reasonably useful information data?

You make a good point about losing the confidence of the American people, of course, if you became intrusive and violative of civil rights, but I suspect you would lose the confidence of the American people even more if we find that we spend *x* number of dollars per year in law enforcement and we do not have any data on the John Hinckleys.

Why? Because self-imposed guidelines cut off the flow of information. It does not strike me that it was so much a resource problem, a finance problem, as it was of just self-imposed limitations closing the ears and eyes and mouth, not hearing or seeing or listening, and that is sort of protective of you.

It keeps you from law suits, as you noted. It cuts down on the domestic security investigations, but I think what the American public would like to know, at least I would like to know, what about these fellows like Hinckley? We would like to have a little better handle on what those good chaps are doing, and when I read in the Washington Post, that the Treasury Department calls for more intelligence. The former Director of the Secret Service has told House and Senate committees that domestic security guidelines issued in 1976 by then Attorney General Levi have reduced information coming from the FBI by 60 percent. The report prepared by General Counsel Peter J. Wallison for the Treasury Secretary Donald T. Regan recommends that the guidelines be modified.

It says that the FBI needs wider domestic intelligence gathering power by changing the guidelines; critical overall decline in the information that it receives from the FBI and reported here, of course, in the management review report.

Yesterday, Wallison said the decline in information may have impaired the ability of the Service to identify dangerous individuals and groups and this could jeopardize the President's safety if a conspiracy were involved.

It would not have the information, just do not know.

What does the FBI know about the Hinckley's or whoever might be involved in this conspiracy and, if it ever came to that critical point—-well, we do not know.

But, well, you see, we have guidelines that do not allow us to keep tabs on the John Hinckleys.

Well, I would contend that we talk about losing public credibility—we are very quick to lose it because we just do not cotton up in this country to going around shooting our Presidents.

When the leading and most respected law enforcement entity in the United States by its own guidelines is prevented from getting that information flow, I think we ought to reevaluate it. I think they ought to be modified to the degree that you can go out and get useful information. Maybe that is the standard, reasonably useful information, have reason to believe that if you investigated this individual and that group, you could get a useful flow of information that would help you provide the Secret Service or other governmental entities with valuable information concerning matters of internal security and terrorism.

Let me stop there. I have gone on too long with it. But does not the *Hinckley* case bring it into focus for us?

Mr. **Webster**. I think there are probably a lot better cases than the *Hinckley* case.

Senator **East**. Well, what would your response be on the *Hinckley* case?

Mr. **Webster**. Well, based on my knowledge of the *Hinckley* case, you had a young, record-free, migrant kind of individual roaming around the country. It has not been established that he was a member of a Nazi Party, although one or two people said that they believed he was. He falls, in my view, in the lowest denominator of numbers of fringe groups. We are not, in terms of application of resources, which are quite limited, to try to track peripheral members who are not even there enough that the leadership knows that they are there. It is certainly not in my view going to be an effective use of limited resources.

Any kind of conspiratorial apparatus that might be in the process of construction is not likely to come to that kind of person's attention.

Senator **East**. Excuse me for interjecting.

I could appreciate that if we had had a different system than the Levi guidelines, it might well be that he could fall between the cracks. My quarrel with the Levi guidelines is we could never know about him anyway. The likelihood of our knowing about him is very remote. That seems to be the gist of the Treasury Department report because of this drastic cutdown in flow of information; it is true that you might not have been able to know about John Hinckley, and I appreciate that, no matter how generous the guidelines would be, you have limited resources and who could keep track of all the John Hinckleys? That is not my quarrel.

My quarrel is that with these guidelines in place, you could never have known about John Hinckley; at least if you are cutting down 60 percent of the flow of information, the chances are greatly reduced that we could ever know about a John Hinckley. That I find troublesome and with the Treasury Department, the Secret Service says, we feel this is jeopardizing our use, our ability, our efficacy in protecting the President of the United States, they are not in the intelligence gathering business. They are in the business of giving physical protection to the United States and they are depending upon you to give them a healthy flow of information, and under your own guidelines that healthy flow of information is cut off.

The spigot is cut off. I want the spigot back on and I agree, we might not get the John Hinckleys but we have an infinitely better chance than we do now because the odds are now none at all; that is where my language comes in.

Mr. **Webster**. We recently negotiated a new Memorandum of Understanding with the Secret Service to be sure that they get everything that we have that they want.

Now, your point, of course, is that we do not have enough for them. The Secret Service maintains it own intelligence gathering apparatus and has a very special responsibility which is a protective one, and drives them to want all the information that you get. I think that GAO report on this showed that they only kept for their files something like, as I recall, 10 percent of what we had been furnishing them in those earlier days. We give them the byproduct of our information. We are not their investigative arm; we give them the byproduct of anything that we have, just as we exchange information with the CIA, NSA, the other intelligence agencies of the military. I continue to believe that the *Hinckley* case does not provide a very good laboratory example of what we should be trying to do. We should be trying to identify organizations and individuals in organizations which can have an impact on this country, not investigating individual members who might engage in some type of individual act of violence.

I do not think that we can or should or would be able to extend our resources that far. But we ought to be trying to find out who is trying to hurt this country in definable ways; not hurt it because they are talking about something we do not like. Not that they advocate a single tax and we do not like it, or that advocate some other novel, bizzare method of doing business, but to ask ourselves are they trying to do in this Government or its citizens and/or are they going to engage in some kind of conduct. Not just simply the advocacy that brings people to change governments through the constitutional process of amendments of laws, the changing process which everyone has a right to advance through the constitutional process, but whether they are trying instead to subvert the process by engaging in conduct which violates our laws and our Constitution.

Those are the people we are looking for.

Senator **East**. I probably should let the chairman get back in.

Mr. Chairman, I am going over my time for sure.

Senator **Denton**. You will get another chance.

Judge, I want to further look into your comment about what you can do with advocacy or rhetoric. I cannot understand how you become aware of the history of advocacy of violence or violent rhetoric by a group or individuals, except through allegations or other information furnished you since you do not have the right, incredibly, to even clip newspaper articles.

How do you develop a judgment regarding the likelihood that a specific group or individual, by that rhetoric which you are not able to keep a file on, could be significantly dangerous and therefore worthy of a preliminary investigation?

Mr. **Webster**. The Privacy Act keeps us from collecting information except in connection with a law enforcement function. If we have some type of investigation going, we can of course collect that information.

When any of that information comes to the attention of any agent, either through his own initiative or because someone has called it to his attention, the first step is to decide whether we have the basis for preliminary investigation; that is, to find out whether there is something more here that should require our attention.

Senator **Denton**. Now, sir, when you say that—when you say should require a—do you mean that it permits one or that it justifies one by virtue of the significance that you might attached to it?

Mr. **Webster**. I suppose I mean both.

Senator **Denton**. In that regard, then, sir, in the guidelines it says, preliminary investigations may be undertaken on the basis of allegations or other information that an individual or a group may be engaged in activities, et cetera.

Now, that would appear to be an extremely broad mandate, but how do you interpret it? You seem to interpret it to mean that the investigation is undertaken if the individual group is engaged, not may be engaged. There appears to be a gap between what is written in the guidelines and how the guidelines are interpreted and acted upon.

Mr. **Webster**. It is my understanding that the legislative history at the time, that is, the congressional testimony that attended the evolution of these guidelines, raised that question and Attorney General Levi said in testimony that he regarded the combination of the "may" and the "will" to result in a reasonable suspicion standard, equivalent to the stop and frisk standard that we used in law enforcement, to be able to stop someone who is suspicious and check against arms.

I look for example at the May 19 situation when we had some information about them, information had been supplied, when they went through the fracturing off process of Weather Underground, the Prairie Fire Organizing Committee and the—I have forgotten the exact name, the central committee groups that they had formed, and then on to the May 19 organization, which is a strongly feminist organization. When we saw the correlation of membership in that organization to participation in the Brinks robbery, with the association of other nonviolent, and of violence-prone terrorists and fugitives, that gave us a legitimate predicate to go forward with the investigation.

There had been no acts of violence prior to that time and no activity or conduct that suggested a terrorist purpose.

I would like to think that any time we get any information about an organization that suggests that they are going to start doing things, or planning to do things, and I say suggest in the sense of suspicion, not probable cause, not hardcore information, we try to find out what is there.

We receive, as I am sure you can appreciate, all kinds of complaints by citizens that someone on the school board is a Communist or somebody in the local church organization is plotting to overthrow the church, and other things that simply sift out of our jurisdiction and responsibility. But we are—if we use as a central beacon the question, Does this intelligence lead us or is it apt to lead us toward the kinds of conduct—and I do not exclude advocacy of violent conduct—that could impair our national security?

Then I believe that that is the direction that we should go, and we have been aggressive about this in the last year or two especially, in opening investigations which in the past I suspect either prudence or the Department of Justice would have dictated otherwise.

Many times our preliminary exposure to those organizations leaves us with nothing. The actual number of full field investigations is quite low in comparison with the number of preliminaries that are under way. But the number of preliminaries, as I recall it, is significantly above what it was 1 year or 2 years ago.

Senator **Denton**. Do you feel more limited by the assets you have, by the Privacy Act, by the Freedom of Information Act, or by some of the specific provisions of the guidelines which you have mentioned such as not being able to insert someone for intelligence or having the time limitation for the investigations; can you give us a rough idea about how you feel about that?

Mr. **Webster**. Well, all of these things have their cumulative effect on our capability.

The Privacy Act, of course, restricts collection. The Freedom of Information Act, as presented in the past, and I have testified before this and other committees on that problem, is an inhibiting factor. We are dealing with the real risk of physical harm to someone who supplies information and is exposed by it. We would like to see as much discretion as possible given to us to withhold that information so that we can give truthfully the kind of assurances to our informants that they want to hear from us, that we can in fact protect them; that is a factor.

And again, the ability to husband our informant resources and not have them drop aside and have to pick them up and start from scratch, would be a most useful enhancement of our capability as I see it.

I have always been troubled by this. We met conditions A, B, and C. Now we may use the informant or we may revive the informant. The informant might not be there any more. So there has to be some way of maintaining our ability to receive vital information. Even though we may not be actively in pursuit of it, because of the inactivity of a particular organization.

Senator **Denton**. This work that you are going to pass on to the Department regarding your feelings about the guidelines, would that also include a interrelated look at these other considerations so that a cohesive, unified concept can be obtained regarding your limitations and the mandate versus the capability?

Mr. **Webster**. I would hope so, Mr. Chairman.

Because only by bringing these to your attention and keeping the interest of the committee and the Congress focused on our problems are we going to see any solution to them.

Senator **Denton**. I have a copy of testimony by Mr. Paul Nugent before a House Select Committee on Intelligence, June 1979. Congressman Young asks him, having previously cited something about the Progressive Labor Party's publications:

> Now, there is something in our law against advocating the violent overthrow of the government; is there not?

Mr. Paul Nugent's reply is:

> That is quite true. However, due to the nature of the investigations which are conducted under the domestic security criteria today, if you have seen the guidelines, it is very specific in that advocacy or rhetoric is not the criteria on which we can base a domestic security investigation. There has to be that one step further.
>
> Involvement in force and violence and violation of Federal law or at least a conspiracy to violate some Federal law with force and violence on which we can base——

And then he says:

> We can base, basically a criminal type approach to an investigation. Not a searching for programs which groups may advocate in the press or in speechmaking and so forth.

And Mr. Young asks:

> In other words, you are not allowed to be allowed in fire prevention. You have to wait until the fire starts?

And Mr. Nugent's reply is:

> Pretty close to that; yes, sir.

I do know something about intelligence. The implications are sobering of an approach which requires the fire to break out, with no intelligence on the gathering together of the matches and the fuses and the bombs which would be used in starting the fire. It does leave me uncomfortable that that kind of an answer is given and is not particularly challenged by what you are saying.

Mr. **Webster**. Well, I am aware of that testimony and it no doubt reflects an attitude that was prevalent at that time within the Bureau as to about where the Department of Justice stood and about where we stood and unfortunately, as often happens, I say I am probably guilty of it today until I see my testimony. When you are giving answers directly on questions that have technical implications, you may miss some ideas. Mere rhetoric in the sense that someone—suppose you see graffiti on the walls of the subway: Do Them In. That does not mean you launch a full-scale investigation. We do not know what that means.

Advocacy is something else. An advocacy is not mentioned in the guidelines. An advocacy of kinds of conduct that carry to fruition, do in fact violate the guidelines—form the basis today for a look at the operation. It does not mean that we are going to turn to wiretaps, mail covers, penetrations and so on, but it does require a good look. And in that connection, I am sure you would be pleased to know that there have been very significant enhancements in the capability and management of the Terrorism section of the Bureau in the last year, brought about largely by the Libyan incidents and other related matters that have increased our analytical capability, and we are talking intelligence as well as criminal acts that have already taken place. But we are also doing it within the guidelines. I think it would be wrong for me as Director, and certainly wrong for an employee of the Bureau, to take it upon ourselves to say that someone's view are good or bad for the country and therefore we are going to launch an investigation. We have to have that main beacon to look at and see whether this is the way we should go in terms of whether the authorization to look at this has been triggered by what has been said. And what kind of advocacy is it? And if it is the kind you and I have been discussing, we would want to look into it.

Senator DENTON. Then I gather that sensitivity was more extreme during the time of Mr. Nugent's testimony, and the mood was different than it is now, so that the Bureau's interpretation has become over the years a little more liberal with respect to its own activities.

Now, I wonder what the effect has been on local law enforcement agencies? Have they chosen to make up guidelines or to adopt your guidelines in their own agencies?

I realize this may be a little beyond the perview of your knowledge; but nonetheless, it is a reality that these guidelines have been adopted at lesser organizational levels, and I am curious as to what you feel or know about their experience subsequent to the adoption of the Levi guidelines by the Bureau.

Mr. WEBSTER. I do not know that I can, with any degree of knowledge, answer that question. Maybe Ms. Lawton or Mr. Hotis have some information there.

I think we have to recognize that individuals who were around when the lawsuits and the prosecutions of law enforcement officers for engaging in this type of work were going on, those individuals are still burnt and still reticent about this and, as I mentioned in my last testimony, in some areas, particularly in New York, New England, and the Eastern Seaboard, where they were in offices where all of this trauma was going on, when they were being accused of violating constitutional rights for doing what they had been ordered to do, or what they thought was right to do, there is still individual lack of enthusiasm for initiating investigations under domestic security. If you call it a bank robbery or labor racketeering or RICO or almost any other thing that we call a 100 series, you get a different kind and quality of reaction and activity.

Our job, and it has been slow going but we are getting there, is to convince our agents that the guidelines are clear enough, they do provide this much authority and if you do it—we expect you to do it—you will be protected. That is something that they no longer will take for granted or simply because I say so. They have to come to realize that it is so and that the Congress backs them on this, and that they have the support of the American people on this.

Senator DENTON. Ms. Lawton, could I ask you, having been an important author of the guidelines, is there anything that you would have done differently?

Ms. LAWTON. Well, not in retrospect, Mr. Chairman. However, at the time they were promulgated, it was clear that they were being tested; that nobody considered this permanent and forever. We were going to try it out and see how it worked.

When the Department was drafting a proposed charter, it took a very different approach to these investigations, domestic intelligence, and I supported that approach. I thought that the guidelines had served their purpose; and there should be a different tack taken in the charter. I think the same is true in the revision, this enterprise concept that the Director talks about.

Because as he pointed out in his testimony, the whole circumstance has changed.

However, the one thing that none of the guidelines can do is change the statutory limitations. The Privacy Act not only prohibits collection of information about how an individual exercises his first amendment rights outside of law enforcement investigations; it prohibits an agency from collecting any information not authorized by statute or executive order as part of its mission, when that information concerns individuals. Those constraints do not change when we change the guidelines. The guidelines must be written within those constraints, just as on techniques they must comply with title III or the Foreign Intelligence Surveillance Act. We cannot change the postal regulations on mail coverage; only the Postal Service can do that. So those constraints remain no matter what we do with the guidelines.

I have no regrets about the way we wrote them, when we wrote them. I think they need changing now, and they will be, soon, I think.

Senator **Denton**. That was very interesting and candid. Thank you.

Senator East?

Senator **East**. Thank you, Senator Denton.

I realize the time is getting away, and I just have a few loose ends I would like to clean up here. I know your schedule and certainly the Director has many appointed rounds today.

Mr. Webster, getting back to this report from the Treasury Department on the attempted assassination by Hinckley of the President, just so that I might more accurately understand your position on this report, again the report in which it was saying it had a substantial reduction, 60 percent is the figure they used in terms of flow of information to them, hence they were contending this would impair their ability to know the whereabouts of someone like Hinckley and to better anticipate his attempted assassination of the President.

What is your assessment of that report? Do you feel that it is a little unrealistic what they are saying; are they overreacting; is it inaccurate or would you basically agree with their concern; is that a pretty legitimate concern that they have there?

Mr. **Webster**. Well, of course, Stewart Knight has held that view for a long time, still holds it as far as I know, and I do not know that there has been any change in the current leadership at the Secret Service. They want as many bits and pieces of information as they can receive.

They recognize that there is a danger that cooperating agencies may actually trash their files, that is, give them more information than they are capable of sifting out. And when we sat down with them, to work out our memorandum of understanding, following the assassination attempt, I think it is significant that they did identify areas where they did not want information given to them because it would trash their files. So that they do not want 100 percent of what we are capable of giving them, but they do tend to want more information about people who—whose conduct is aberational and we certainly want to cooperate with them to the extent that we gather that information but we cannot just be gathering it for the sake of gathering it. There has to be a logical reason why we should be collecting it, other than because some other agency might be interested in it.

Senator **East**. Would you dissent from that aspect of the report where he attributes this dramatic curtailing of information flow to the guidelines—and obviously he is doing it in a critical way.

Do you dissent from him on that?

Mr. **Webster**. Well, it has been a while since I have read that full report and I certainly do not want to appear to be quarreling with the Secret Service over that. We have a joint job to do.

I think it is probably true that the masses of material that we were disseminating several years ago, in terms of volume, would account for a significant drop when we stopped collecting that kind of information out of groups that did not meet the criteria for the guidelines. I cannot tell you whether they have lost quality as well as quantity and I do not think they can either, but GAO did some looking at that and you might want to look at GAO's reports on the dissemination of that type of information to the Secret Service.

Senator **East**. But you do seem to be indicating here a skepticism about the report; that is, the decreased flow of information, perhaps they had been getting to much anyway and that the clear statement in the report that attributing this to the guidelines and requesting that they be modified, do I sense with you some difference there?

Mr. **Webster**. Not really. I am not. But I am asking myself, as you asked me the question, whether, but for the guidelines, we would be wanting to investigate organizations that we are not able to investigate by reason of the guidelines. It seems to me that we are investigating just about everything we know about at the present time that presents a national security threat.

We are not keeping track of loonies and fruits who might suddenly go berserk and do something as Hinkley did, just for that reason. If we come across that kind of information in the course of our specific responsibilities, we do give that to the Secret Service. I do not know that the Secret Service can say, any more than I can say, that they are no longer getting the information they have to have in order to do their work.

We have never tried to make that judgment for them, just as we do not try to tell the prosecutors whether to prosecute or not; we do not try to make the assessment.

My instructions to our people, when we negotiated the last agreement was, whatever they want that we have they get. And we will not try to judge whether they need it or do not need it or whether it is worthwhile or not. It is whatever they want that we have, that they get.

But they need, I think at some time, to assess what they did with that information that we used to have available to them.

According to GAO, most of it went in the trash basket.

Senator **East**. It just occurs to me I do not wish to overstate the point. I had made it at the outset; I somewhat detect in the defense of the Levi guidelines, though you have clearly said you thought I would be pleased and they were being reassessed, and there would very likely be some modifications and we would most likely be pleased, and again, I know you will dissent from this if you do not feel that I am stating it fairly or accurately, but I sense less aggressive attitude on the part of the Bureau, perhaps just growing out of your posture in defending the guidelines, but when it comes to this matter of internal security, related problems, that less aggressive attitude than say I detect as I was noting earlier in the Attorney General's statement in the Post this morning, in terms of Abscam, very positive statement, where we need to find out, and if we do do it, we have the Sting operation; we do this, that is a very assertive kind of searching out and saying we are doing it within the framework of respecting the rights of the citizenry of the United States.

I remember going back to Abscam; I have forgotten which Senator said, so I can not quote his name, but one of our members said, "Well, Senator, could not this happen to anyone?" And his answer was, "Yes, if we just sat there, but if we got up and left, it would not."

So the implication is going to be in the Abscam investigation, and we heard it already, that this could have happened to any of us.

You see, because you are abusing something or other and violating our basic rights, throwing up this.

Now, I am not saying people who raise that point are irresponsible. But it is the oldest defense in the game when you get caught at something illegal, rather than trying to explain what you were doing that in fact it might appear to be illegal but it was not or whatever, you are merely blaming the bearer of bad news which, in this case, is the law enforcement officials.

So I sense a more aggressive attitude in Abscam or again maybe in the Japanese case that is going to be bothering us for some time to come, even international complaints now.

But yet when it comes to this area of internal security, by the guidelines, a certain amount of self-imposed caution, to a point, I am simply raising it that as you reevaluate your situation here, in the process of reevaluation, that you not be overly intimidated by the political pressure that we would like for you to just take a very defensive posture here and not show the same sense of reaching out and learning, and gathering data and passing it on that you obviously have displayed and are displaying in these other areas of enforcement. That is one point I would like to leave with you.

A second, that is as you go through this process of evaluating on this Privacy Act which you have raised, I realize you are a distinguished judge, so I would not pretend to tell you how to interpret the law, but I was looking at the Privacy Act which says, "A Federal agency may maintain no record describing how any individual exercises his right guaranteed by the First Amendment unless expressly authorized by statute or unless pertinent to and within the scope of an authorized law enforcement activity."

Two points I would offer.

One, it applies to individuals and not to organizations. For example, the May 19 organization with its literature talking about armed struggle would not fall within the purview or scope of the act. So we are talking about individuals. And I do suggest this, "unless pertinent to or within the scope of an authorized law-enforcement activity." I realize, and I would not dare argue with a distinguished former Federal judge, as to how one might interpret and apply that. I am saying it might tend to be a little reflective again of a defensive attitude on the part of the Bureau of always finding reasons not to go out and do more in this area, vis-a-vis areas like Abscam, and so forth; you are less timid, you are less intimidated by real or alleged barriers and I suspect the Levi guidelines are an outgrowth, as you yourself have suggested, of a political climate of some few years ago of intimidation of the CIA, intimidation of the FBI, which forced you into a defensive posture, and you have constructed these guidelines in this area in order to protect you from that political assault. Understandable, perhaps, in terms of the context of the time, but I am concerned that in terms of posturing this political defense of yourself, which is understandable, that we not end up surrendering, as I was saying at the outset of my remarks today, the most fundamental function of government to protect internal security, protect us from subversion, terrorism, violence and the likes of Hinckley or others, and not have just a regular flow of information that could help us better to monitor and to have this sort of thing.

So again I end on this note, Mr. Chairman. I hope that the distinguished Director, as he and his staff pursue this, will keep in mind there is this concern on the part of many, I feel, and the public and the Congress, that maybe you have unduly restricted yourself here and been overly defensive, and I hope you will keep that in mind. If you do change, and I would hope you would, you have indicated that you would, that we continue to give you the support in the public arena that you need, not only in the logistic arena in terms of resources, financial and otherwise, because your problem, I agree, is as much political as it is resources.

Thank you, Mr. Chairman, and I thank the Director.

Senator DENTON. We will be recessing very shortly.

I gather, Mr. Director, from your response to Senator Leahy, regarding this question of the guidelines not being strictly a legislative prerogative matter, that you do believe and consider it proper that since this subcommittee does have oversight responsibility, that as part of that oversight, we would be interested in modifications to the guidelines through our own comments and suggestions and that you would consider it appropriate that we receive a copy of the recommended changes prior to their final approval?

Mr. WEBSTER. Yes, absolutely, Mr. Chairman.

Senator DENTON. Thank you.

I am going to invite attention to the fact that all the witnesses may be asked to respond to questions, written questions or questions which have been raised and not answered. I would ask that that be done in written form within 10 days.

In that light, I am going to ask one question which I request not be answered right now but be answered in writing, because it will save your time, I believe, to do it that way.

For decades the FBI has been collecting intelligence in the organized crime field, not so much for purposes of prosecution but rather to be informed on a continuing basis of the activities of these elements and their relationship with each other. So that you can track and then strike at the right times, and in the most appropriate way.

Much of the collection effort has never resulted in an indictment or even a grand jury proceeding. It is simply an effort to become and remain informed about what the enemies of society are doing.

Why do you not then apply the same rationale in defining the Bureau's role in the domestic security area where frankly it appears to me that the potential for danger to society seems to be at least as great?

That is a question that I would like a composition on.

Mr. WEBSTER. Very well, Mr. Chairman.

[Subsequent to the hearing, the following answer was supplied by the FBI:]

The Domestic Security Guidelines share many of the characteristics of organized crime investigations. Each is a form of criminal intelligence investigation designed to deal with enterprises who seek either to obtain monetary or commercial gains or profits through racketeering activities or to further political or social goals through criminal violence. These investigations are normally broader in scope and of longer duration than general crimes investigations. Their purpose is to determine the size and composition of the group involved, its geographic dimensions, its past acts and intended criminal goals, and its capacity for harm. Thus, if the criminal nature of the enterprise is apparent, we would "apply the same rationale in defining the Bureau's role in the domestic security area" as we do in the organized crime field.

I believe it overstates the basic premise of these investigations, however, to say that they are "simply an effort to become and remain informed about what the enemies of society are doing." The purpose of a criminal intelligence investigation, including organized crime investigations, is to detect, prevent, or prosecute violations of Federal criminal law. This does not mean that we must wait until criminal activity is underway before we can initiate an investigation. However, the ultimate objective of such investigation must be to prevent or prosecute crime. We have used that approach in the organized crime field for a number of years and have not found it to be a hindrance to our investigative efforts.

Senator DENTON. I would like to thank you again, Judge Webster. I apologize for the length of time that you were here considering your demanding schedule. I want to thank you very much, Mary Lawton, for your presence. I believe the testimony this morning and the questioning has been responsible and, I hope, useful.

Senator East has one more comment to make.

Senator EAST. I would like, Mr. Chairman, to have this statement of mine entered into the record. I did not mean to interrupt you on that. I just wanted to make sure that we did that before we finished. I would appreciate that.

Thank you.

Senator DENTON. There is no objection from me or anyone present, so it is so ordered.

[The prepared statement of Senator East follows:]

PREPARED STATEMENT OF SENATOR JOHN P. EAST

MEMORANDUM

May 25, 1982

RE: Proposed Revision of Attorney General's Guidelines for Domestic Security Investigations (Levi Guidelines)

The Attorney General's Guidelines for Domestic Security Investigations (also called the "Levi Guidelines") by the FBI have been controversial since their imposition on the FBI by Attorney General Edward H. Levi on April 5, 1976. Proponents of the Guidelines have maintained that they are necessary for the prevention of alleged abuses perpetrated by the FBI under its Counter Intelligence Program (COINTELPRO) and that they should be enacted into law. Opponents of the Guidelines have maintained that they have virtually destroyed an adequate internal security function in the FBI and that adoption or emulation of the Guidelines by local or state law enforcement and investigative agencies has undermined our ability to track, prevent, and apprehend persons and groups that threaten the internal security of the country, including terrorist and terrorist support groups.

We adhere to this critical view of the Guidelines, and we strongly recommend that the Attorney General undertake revision of them. Nevertheless, we do believe that guidelines for domestic security investigations (DSI) should exist, not only for the protection of constitutional rights and the prevention of abuses, but also for the most effective use of FBI resources for DSI and for the proper authorization, so that FBI personnel in the future will not be held responsible for activities that have been initiated and authorized by their supervisors.

There are two principal criticisms of the Guidelines as presently drawn: (1) the criminal standard for intelligence collection and investigation is totally inappropriate; and (2) the time limits, authorization procedures, and other restrictions placed on authorized investigations result in ineffective and inconclusive investigations and reflect a fundamental misunderstanding of the nature of both investigative procedure and of subversion.

I. The criminal standard for intelligence activities means that investigation of a group or individual is not permitted unless there is reason to believe that it is or has engaged in violent or illegal activities or that it is about to be so engaged. This standard leads to a paradoxical situation: if the subject is engaged in such activities, there is no way for the FBI to know this unless it has already initiated an investigation; but it cannot initiate an investigation unless it has some reason to believe that the subject is engaged or is about to engage in illegal or violent activities. Secondly, if a group or individual is reasonably believed to be engaged in illegal or violent activities or is about to engage in them (i.e., is planning them), and if the whereabouts of the group or individual is known, then the ordinary response of a law enforcement agency is not at this point further investigation but apprehension. Few persons object to FBI investigation of the Weather Underground Organization. However, if the FBI could have located its members, it would not have engaged in further investigation but presumably would have arrested them. Our principal objection to the criminal standard in this regard, then, is that it creates a "Catch-22" situation in which it is all but impossible to initiate a full investigation and that it authorizes a full investigation in cases where it is generally not needed or superfluous.

However, the criminal standard for intelligence collection essentially misunderstands the nature of both intelligence work and the phenomenon of subversion. The fact that a subject is under investigation -- even with intrusive techniques -- does not mean that he is guilty of a crime or is even suspected of a crime. It is easy to conceive of situations in which an entirely innocent party is successfully used for "cover" or for other duplicitous purposes by a wittingly subversive party. In such cases, investigation of the innocent party and his contacts and activities might lead to exposure of the subversive exploitation of him, for which the innocent party would be grateful. The collection of intelligence or the conduct of an investigation, in other words, is not necessarily related to the imputation of guilt, to criminal proceedings, or to law enforcement.

The conduct of subversion itself consists in large measure in the utilization of legal activities to undermine, or to make illicit use of, legally permissible activities and legally established institutions. In a phrase current in the 1960s, subversion typically seeks to "work within the system to destroy the system." Hence front groups (widely used by both Nazi and Communist groups), terrorist support apparatuses, and propaganda apparatuses seek to make use of legal channels and activities and of unwitting individuals exercising legal rights to achieve goals that are ultimately destructive of legality and which would enjoy no success if practiced overtly. If the criminal standard pertains, however, it is all but impossible for investigators to make inquiries into this legally permissible but nevertheless destructive and subversive activity.

Some of the subversive activities that the Guidelines as currently drawn prevent from being investigated are:

A. Terrorist Support Groups: organizations that propagandize for, provide legal aid for, and in some cases give financial or operational assistance to terrorist groups. Because support group activities are generally legal and non-violent, they cannot be investigated under the Guidelines. However, investigation of such groups can often provide intelligence that leads to the prevention of terrorist violence or to the apprehension of the terrorists or to both. Also, new terrorist groups often originate from fragmented support groups; investigation of the latter can therefore provide intelligence as to this development. Finally, investigation of terrorist support groups provides general intelligence as to the modus operandi, ideology, and contacts of subversive elements associated with or linked to these apparatuses.

B. Totalitarian or Revolutionary Groups: Groups that advocate or work for Nazi, Communist, or other anti-democratic or unconstitutional forms of government. Like support groups, they seldom do anything specifically illegal or violent; but like them also they attract extremist elements and often breed violent fragments. They should therefore be subject to investigation. Furthermore, if the groups or elements within or from them embark on a strategy of infiltrating the government in order to subvert the policies or laws of the government, there is a clear security or loyalty risk. In the absence of investigation of these groups, then, security investigators can have no information on the background or intentions of these elements. Finally, the "political" activities of these groups themselves present a potential threat to constitutional government and should be investigated as to their members and activities.

C. "Hate Groups": Groups that advocate extreme hatred or violence against other groups, categories, or minorities. Such groups have often practiced violence, terrorism, or vigilantism against the targeted groups, or have bred such violence, even if they do not openly advocate or practice it.

D. Front Groups: Groups established or controlled by subversive groups and used for recruitment, financing, propaganda, or agitation in areas where such groups could not be successful if they practiced openly. The CPUSA makes frequent use of front groups, but so do many other subversive groups that practice deception on a regular basis. Since they seldom engage in illegality or violence, they cannot be investigated under the current Guidelines (unless they are connected to a foreign power). Investigation of front groups provides valuable intelligence about the strategy and intentions of the controlling group, its techniques of recruitment, financing, etc.

E. Groups that advocate violence or overthrow of the government: Any group that advocates violence for political reasons, whether it is a "hate group," a paramilitary group, or a political party, should be subject to investigation. Under current Guidelines, it cannot be investigated because this would be a violation of First Amendment rights under current administrative interpretation. Also included in such groups might be "religious organizations" such as the Peoples Temple or some Black Muslim groups. Such groups attract extremist elements that might go beyond advocacy in the future or might become violent themselves.

II. Instances in which the current Guidelines have proven harmful: A number of instances since the Guidelines were imposed could be described in which physical injury has occurred due to the inability of the FBI (or other agencies under similar restrictions) to investigate the groups responsible. However, three such instances will be given. It should be noted, however, that the Progressive Labor Party, a Maoist Communist party that fragmented from the CPUSA in 1962, advocates violence and the violent overthrow of the government and also calls for the systematic infiltration of the U.S. Armed Forces. However, on June 21, 1979, Mr. Paul Nugent of the Terrorism Section of the FBI, testifying before the Subcommittee on Oversight of the Permanent Select Committee on Intelligence of the House of Representatives, in response to questions from Congressman Bill Young of Florida pertaining as to whether the FBI could or did investigate the PLP, stated:

> absolutely not....due to the nature of the investigations which are conducted under the Domestic Security criteria today, if you have seen the guidelines, it is very specific in that advocacy or rhetoric is not the criteria on which we can base a domestic security investigation. There has to be that one step further, involvement in force and violence and violation of Federal law, or at least a conspiracy to violate some Federal law with force and violence, on which we can base basically a criminal type approach to an investigation, not a searching for programs which groups may advocate in the press or in speechmaking and so forth. (Hearings, Pre-Employment Security Procedures of the Intelligence Agencies, G.P.O., 1980, 55-423 0, pp. 207-208).

A. In 1976, the Washington, D.C. Metropolitan Police Intelligence Unit ceased operations and discontinued its investigations. Accordingly, it withdrew its informants from the Hanafi Muslim sect on the grounds that there was no evidence that the Hanafis were engaged in or were about to engage in violence or illegal conduct. About six months later, the Hanafi seizure of three public buildings in downtown Washington occurred (March, 1977); over 100 persons were held hostage for about three days and one person was killed and another permanently paralyzed. Had informants been in place in the Hanafi group, it is highly likely that the incident would have been prevented. As former Deputy Attorney General Laurence Silberman expressed it in testimony before the Subcommittee on Criminal Laws and Procedures of the Senate Judiciary Committee on July 13, 1977:

> During the Hanafi disturbance here in Washington, the District of Columbia police had destroyed their intelligence files at a time when it was desperately important for Federal officials to know information about the Hanafi group -- and particularly how many there were, because you can well see that while those hostages were being held it was enormously important to know who else might be out there disposed to aid those who were holding the hostages -- but the files had been destroyed. Federal offiicals were placed in an awful position of not knowing what they should have known.
>
> (The Erosion of Law Enforcement Intelligence -- Capabilities -- Public Security, Hearings before the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary, (U.S. Senate, 95th Congress, 1st Session), Part I, p. 12.

B. Soon after the March 30, 1981 assassination attempt on President Reagan, it was reported that the alleged assassin, John Hinckley, had been a member of the American Nazi Party. The conservative weekly magazine, Human Events (April 11, 1981, p. 26), attempted to verify this through the FBI, but its reporter was told that the FBI could neither confirm nor deny Hinckley's membership in the Nazi Party because the Party was not under investigation due to the Guidelines. Had the Nazis been under investigation, it is possible the FBI would have been aware of Hinckley's violent proclivities and would have been alerted if he had attempted to come to Washington.

In a Management Review on the Performance of the U.S. Department of the Treasury in connection with the March 30, 1981 Assassination Attempt on President Ronald Reagan, the Office of the General Counsel of the Department of the Treasury commented in August, 1981,

> From the protection-oriented perspective of the (Secret) Service, therefore, the decline in FBI domestic intelligence activities has caused a critical overall decline in the useful information the Service receives from the FBI. In November, 1979, Secret Service Director Stuart Knight testified before the Senate Judiciary Committee that the Service was, at that time, receiving only about 40 percent of what it had previously received from the FBI, and that this reduced intelligence product had deteriorated in quality. Explaining what he meant by quality, he referred to the loss of information concerning motives and plans.
>
> Knight repeated these statements in the aftermath of the March 30 assassination attempt, in testimony before other committees of

> the House and Senate, specifically attributing this loss of useful intelligence to the Attorney General's Domestic Security Guidelines. (p. 31)

And the Management Review recommended that "Consideration should be given to permitting the FBI to pursue domestic security investigations where no criminal predicate is available; this may be done through appropriate modifications of the Attorney General's Domestic Security Guidelines." (p. 39).

C. Most recently, in the case of the armed robbery of a Brinks armored car in Rockland county, New York, on October 20, 1981, allegedly by elements of the Weather Underground Organization and the Black Liberation Army, it was found that a vehicle actually used in the escape attempt from the scene of the robbery (during which two Brinks guards and a Nyack, NY, Policeman were murdered) had been provided to the suspects by Eve S. Rosahn of Manhattan. Miss Rosahn as well as a defendant in the case, Judith Clark, are members of an organization known as the "May 19 Communist Organization" which was previously part of the New York chapter of the Prairie Fire Organizing Committee, a known support group for the Weather Underground Organization. The May 19 Communist Organization, it has been confirmed, was not under FBI investigation. Had it been under investigation, it is very likely that informants or electronic surveillance would have exposed Rosahn's or Clark's contacts with the terrorist apparatus and that the Brinks robbery would have been prevented.

III. Constitutionality of Domestic Intelligence Gathering.

The legitimacy of domestic intelligence gathering has been upheld by the courts many times. Some of these decisions are cited below:

A. Laird v. Tatum (408 U.S. 1), June 26, 1972:

> "One of the functions of a civilian investigative agency, such as the Federal Bureau of Investigation, is to compile information on law violators, agitators of violence, and possible subversives."

Comment: While the Supreme Court here recognizes the constitutionality of the criminal standard by including the category of "law violators," it also goes beyond that standard and recognizes the constitutionality and legitimacy of investigation of non-criminal elements ("possible subversives") and advocacy of violence, both of which are forbidden under the current Guidelines.

B. Anderson v. Sills (56 N.J. 210), June 1, 1970:

"The basic approach must be that the executive branch may gather whatever information it reasonably believes to be necessary to enable it to perform the police roles, detectional and preventive. A court should not interfere in the absence of bad faith or arbitrariness.

"The police have a preventive role; its intelligence may not be confined to past criminal events, and even there the police may not be limited to information which constitutes the basis of the criminal charge itself."

C. Handschu v. Special Services Division (349 F. Supp. 766), October 24, 1972:

"The use of secret informers or undercover agents is a legitimate and proper practice of law enforcement and justified in the public interest -- indeed, without the use of such agents many crimes would go unpunished and wrongdoers escape prosecution. It is a technique that has frequently been used to prevent serious crimes of a cataclysmic nature. The use of informers and infiltrators by itself does not give rise to any claim of violation of constitutional rights."

Not one of these or other court cases makes any limitation of intelligence gathering on the basis of a criminal standard. While the Foreign Intelligence Surveillance Act of 1978 does establish a criminal standard for Foreign Counter-Intelligence surveillance, there is no reason to adopt or maintain a criminal standard for Domestic Security Investigations on constitutional grounds or on the grounds that they are unnecessary for security purposes. It is our recommendation, therefore, that the criminal standard be eliminated from the revised Guidelines for Domestic Security Investigations.

IV. The term "investigation" has perhaps acquired a sinister connotation. It should be noted that as the word is used in this memorandum it can refer to activities from the most minimal research in or reading of publicly available documents or newspapers to the so-called "intrusive techniques" of wiretapping or surreptitious entries (when authorized by the President in national security cases). Obviously, both respect for privacy and prudential use of resources must be considered in conducting an investigation. The FBI (or any investigative agency) must make a judgment as to which investigative techniques are possible, appropriate, and useful in obtaining the desired information. In other words, it is not contemplated that the FBI, under revised Guidelines, would employ intrusive techniques in cases where they would not produce useful information or when they would be wasteful of the time, resources, and personnel of the Bureau. In making such judgments, the FBI, in collaboration with the DOJ, should rely on its professional experience and knowledge,

V. Revisions Proposed

Apart from the criminal standard in the current Guidelines, a number of constraints pertain to DSI even after they have been authorized. In general, we believe that several of these constraints have a harmful effect on DSI, causing them to be cumbersome to administer and often ineffective when authorized. Therefore, we recommend, in addition to the elimination of the criminal standard, the revision of several other parts of the current Guidelines, as outlined below.

(1) (Old Guideline I.A): Inclusion of advocacy of violence or illegal conduct as grounds for initiating DSI. As discussed above, terrorist support groups, hate groups, revolutionary parties, etc. may not currently practice violence but may advocate it. These groups may become violent, may encourage others to commit violence, may have contact with those who do commit violence, and certainly encourage an atmosphere of violence and disrespect for law. We believe that it is imperative that such groups be subject to investigation and strongly recommend that they be included.

(2) (Old Guideline II. A): Elimination of preliminary phase of investigation. It is doubtful that the preliminary phase of DSI is very useful in substantiating allegations or providing a further basis for investigations. When originally formulated, the preliminary phase may have been useful, but the time lapse, the loss of records, and the loss of institutional memory since 1976 make the use of existing sources less useful today. Therefore, we propose combining limited and preliminary investigations for the first level of investigation under the label "limited investigation," which is redefined.

(3) (Old Guideline II.C): Redefinition of "Limited Investigation": As in the old or current guidelines, this phase may be initiated by the SAC or by FBI/HQ. However three revisions are proposed:

(a) The requirement for written authorization is eliminated, as we feel that this would save unnecessary paperwork and would maximize security.

(b) The time limit of 90 days is extended to 180 days, and it may be extended again for another 180 days by either the SAC or FBI/HQ. However, the written authorization for extension is retained. The requirement that information obtained during the first investigation must justify an extension is eliminated. The relaxation of the time limits and the grounds for extension provides for a more complete and less cumbersome investigation during the limited phase.

(c) The use of investigative techniques is revised. Under the new guidelines, all techniques authorized in either the preliminary or the limited investigations of the current Guidelines are permitted in the new limited phase. Also, mail covers and the establishment of new informants and physical surveillance are permitted in limited investigations. Intrusive techniques such as electronic surveillance may not be used in limited investigations, however. We feel that the use of informants, physical surveillance, and mail covers are so essential to effective investigation, and are not so intrusive as to jeopardize constitutional liberties, that we strongly recommend their authorization during limited investigations.

We believe that the revision of the limited phase of investigation is second in importance only to the elimination of the criminal standard. It allows for the full scope of nonintrusive investigation for up to one year (360 days). This enables the FBI to conduct an adequate investigation to determine if further investigation is called for.

(4) (Old Guideline II.D): The expression "Information gathered" is changed to "Information sought." This change permits the FBI to retain information that is valuable or relevant to other investigative matters even though the FBI was not seeking such informa-

tion. At the same time it restricts what the FBI might try to discover and thus prevents "fishing expeditions."

(5) (Old Guideline II.I): Elimination of criminal standard for full investigation; for reasons discussed above. Also, the words "and articulable" should be deleted. We are aware of the need to justify full investigations with facts; but we are uncertain of the meaning of the term "articulable." If a fact is "specific," we feel that it is also articulable and that this term is at best unnecessary and at worst could be used to frustrate otherwise justifiable investigations.

(6) (Old Guideline II.J.1.a): This passage should be changed to read:

> When persons have been arrested or charged with a crime, and criminal proceedings are still pending, information gathered from informants shall not be used in those criminal proceedings after their initiation.

This change prevents the abuse intended by the original, but it allows the use of informants to investigate the crime and aspects of it still under investigation.

(7) (Old Guideline II.J.2): Eliminate present language and substitute: "Intrusive techniques shall be used only in accordance with current law." This is consistent with the revision of the limited investigation discussed above, and permits mail covers, informants, and physical surveillance.

(8) (Old Guideline J.1): The review of the use of informants at intervals of 180 days is dropped. The development of informants is often a long term process; it requires more than 180 days for a new informant to obtain the confidence of a group he has recently infiltrated, and even more time for him to obtain a leadership position or to acquire access to information that might be useful to the investigators. Time limits and periodic reviews of informants are therefore not useful in evaluating the investigative process.

(9) (Old Guideline II.J.3): The following language should be substituted for the current language:

> Provided that whenever it is felt that person(s) under surveillance are engaged in privileged conversation (e.g., with their attorney), the record of those portions that are privileged shall be destroyed and no record or

transcript of the privileged portions shall be retained by the FBI.

We are particularly concerned with reports of collaboration with certain terrorist or other violent types by their lawyers. For example, it appears that in 1971 Stephen Bingham, a lawyer for George Jackson, smuggled a weapon to him in prison; the weapon was used in Jackson's escape attempt, in which several persons were killed. More recently, confidential files of the Chicago Police Department dealing with FALN bombing targets and tactics were discovered in an FALN safehouse in Evanston, Illinois in 1980 after a court had ordered these files to be provided to lawyers for FALN. There are other reports of collaboration between lawyers and their clients in terrorist cases, both in the United States and in Europe. Given the known sympathies and activities of such legal defense groups as the National Lawyers Guild, the National Emergency Civil Liberties Committee, the Center for Constitutional Rights, and the National Conference of Black Lawyers, we feel that it is imperative for the FBI to have investigative access to their relationship with their clients in some cases.

Nevertheless, we appreciate and accept the right to counsel and the privileged nature of lawyer-client relationships. We are therefore recommending that in cases where there are grounds for believing that this relationship is being abused, especially in situations where lawyers may act as accomplices of or in collaboration with their clients, the FBI have authority to surveill normally privileged conversations and communications. However, we believe that in such cases FBI attorneys should review the intercepted communications and determine if in fact these are truly privileged. If in fact they are privileged, the intercepted portions can and should be destroyed and not retained by the FBI.
(10) (Old Guideline III.C): The current guideline is changed to allow DOJ recommendation as to continuance of the full investigation and not written determination of whether it shall continue.

The automatic termination of full investigations after one year without specific DOJ authorization is eliminated.

We feel that FBI professionals are best qualified to determine the continuation of an investigation and that DOJ may harbor either political or other grounds for encouraging the termination of investigations. Moreover, it is unlikely that DOJ attorneys would have the same feel for the need of a particular investigation as FBI agents who are familiar with the persons, issues, and organizations involved. However, to preserve DOJ oversight of DSI, we feel it is important that DOJ have authority to review and recommend the continuance or termination of full DSI's. It is unlikely in our opinion that the FBI would insist in continuing a full DSI in the face of strong DOJ resistance. Moreover, current Guideline III.A, which provides for the termination of any investigation by the Attorney General, his designee, or FBI/HQ, is retained. We believe this provision allows for an adequate safeguard against abuses by DOJ.

(11) (Old Guideline IV.a): The wording of this paragraph is altered for consistency with other revisions, but the substance remains the same.

(12) (IV.B.1.c): The word "or" in IVB.1.b is deleted and added at end of IV.B.1.c, and the following paragraph added thereafter:

> (d) is needed for implementation of the Federal Employees Security Program.

The addition of this sentence enables the FBI to disseminate information gained through DSI to other governmental entities for implementation of the Federal Employee Security Program and will go far to reactivate this Program, which has fallen into disuse and non-observance, though still authorized under Executive Order.

(13) (Old Guideline IV.C.1 and 3); we eliminate provision for destruction of information.

(14) (Old Guideline IV.C.4): we eliminate this section.

PROPOSED REVISED GUIDELINES FOR DOMESTIC SECURITY INVESTIGATIONS

I. BASES FOR INVESTIGATION

A. Domestic security investigations are conducted, when authorized under Section II(C) or II(H), to ascertain information on the activities of individuals or the activities of groups, which involve

(1) the overthrow of the government of the United States or the government of a State;

(2) Interference, in the United States, with the activities of a foreign government or its authorized representatives;

(3) impairment, for the purpose of influencing U.S. government policies or decisions, of

(a) the functioning of the government of the United States;

(b) the functioning of the government of a state; or

(c) interstate commerce

(4) deprivation of persons of their civil rights under the Constitution, laws, or treaties of the United States; or

(5) advocacy of any of the above or of any violent or illegal activity involving the government of the United States or of any State.

II. INITIATION AND SCOPE OF INVESTIGATIONS

A. Domestic security investigations are conducted at two levels -- limited investigations and full investigations -- differing in scope in investigative techniques which may be used.

B. All investigations undertaken through these guidelines shall be designed and conducted so as not to limit the full exercise of rights protected by the Constitution and laws of the United States.

Limited Investigations

C. Limited investigations may be undertaken on the basis of allegations or other information that an individual or a group may be engaged in any of the activities enumerated in I (A) 1-5

D. A limited investigation must be authorized by a Special Agent in Charge or by FBI Headquarters. The following techniques may be used in a limited investigation:

(1) examination of FBI indices and files;

(2) examination of public records and other public sources of information;

(3) examination of federal, state, and local records;

(4) physical surveillance and interviews; and

(5) mail covers and informants.

E. Information sought by the FBI during limited investigations shall be pertinent to verifying or refuting the allegations or information concerning activities described inparagraph I(A).

F. Intrusive techniques such as electronic surveillance may not be used as part of a limited investigation.

G. All limited investigations shall be closed within 180 days of the date upon which they were initiated. However, the Special Agent in Charge or FBI Headquarters may authorize in writing extensions of a limited investigation for periods of not more than 180 days when facts or information justify such an extension. The authorization shall include a statement of the circumstances justifying the extension.

Full Investigation

H. Full investigations must be authorized by FBI Headquarters. They may only be authorized on the basis of specific facts giving reason to believe that an infividual or group is or may be engaged in activities enumerated in I(A)1-5.

Investigative Techniques

I. Whenever use of the following investigative techniques are permitted by these guidelines, they shall be implemented as limited herin:

(1) when persons have been arrested or charged with a crime, and criminal proceedings are still pending, information gathered from informants shall not be used in those criminal proceedings after their initiation.

(2) Intrusive techniques shall be used only in accordance with current law.

(3) electronic surveillance shall be used in accordance with the requirement of Title III of the Omnibus Crime Control and Safe Streets Act of 1968.

Provided that whenever it is felt that person(s) under surveillance are engaged in privileged conversation(e.g., with their attorney), the record of those portions that are privileged shall be destroyed and no record or transcript of the privileged portions shall be retained by the FBI.

III. TERMINATING INVESTIGATIONS

A. Limited and full investigations may be terminated at any time by the Attorney General, his designee, or FBI Headquarters.

B. FBI Headquarters shall periodically review the results of full investigations, and at such time as it appears that the standard for a full investigation under II(H) can no longer be satisfied and all logical leads have been exhausted or are not likely to be productive, FBI Headquarters shall terminate the full investigation.

C. The Department of Justice shall review the results of full investigations at least annually and shall recommend whether continued investigation is warranted.

IV. REPORTING, DISSEMINATION, AND RETENTION

A. Reporting

1. Limited investigations shall be reported periodically to the Department of Justice. Reports of limited investigations shall include the identity of the subject of the investigation, the identity of the person interviewed or the identity of the person or place surveilled, and shall indicate which investigations involved a 180 day extension. FBI Headquarters shall maintain,

and provide to the Department of Justice upon request, statistics on the number of limited investigations instituted by each field office, the number of limited investigations instituted by FBI Headquarters, the number of limited investigations that involved 180 day extensions, and the number of limited investigations that resulted in the opening of a full investigation.

2. Upon opening a full domestic security investigation, the FBI shall, within one week, advise the Attorney General or his designee thereof, setting forth the basis for undertaking the investigation.

3. The FBI shall report the progress of full domestic security investigations to the Department of Justice not later than 90 days after the initiation thereof, and the results at the end of each year the investigation continues.

4. Where the identity of the source of information is not disclosed in a domestic security report, an assessment of the reliability of the source shall be provided.

B. Dissemination

1. Other Federal Authorities

The FBI may disseminate facts or information obtained during a domestic security investigation to other federal authorities when such information:

(a) falls within their investigative jurisdiction;

(b) may assist in preventing the use of force or violence;

(c) may be required by statute, interagency agreement approved by the Attorney General, or Presidential directive. All such agreements and directives shall be published in the Federal Register; or

(d) is needed for the implementation of the Federal Employees Security Program.

2. State and Local Authorities

The FBI may disseminate facts or information relative to activities described in paragraph I(B) to state and local law enforcement authorities when such information:

(a) falls within their investigative jurisdiction;

(b) may assist in preventing the use of force or violence; or

(c) may protect the integrity of a law enforcement agency.

3. When information relating to serious crimes not covered by paragraph I(A) is obtained during a domestic security investigation, the FBI shall promptly refer the information to the appropriate authorities if it is within the jurisdiction of state and local agencies.

4. Nothing in these guidelines shall limit the authority of the FBI to inform any individual(s) whose safety or property is directly threatened by planned force or violence, so that they may take appropriate protective safeguards.

5. The FBI shall maintain records, as required by law, of all

disseminations made outside the Department of Justice, of information obtained during domestic security investigations.

C. Retention

1. The FBI shall, in accordance with a Records Retention Plan approved by the National Archives and Records Service, within _____ years after closing domestic security investigations, transfer all information and index references to the National Archives and Records Service.

2. Information relating to activities not covered by paragraph I(A) obtained during domestic security investigations, which may be maintained by the FBI under other parts of these guidelines, shall be retained in accordance with such other provisions.

3. The provisions of paragraphs one (1) and two (2) above apply to all domestic security investigations completed after the promulgation of these guidelines, and apply to investigations completed prior to promulgation of these guidelines when use of these files serves to identify them as subject to transfer to the National Archives and Records service.

Senator **Denton**. Do you have anything else that you care to say now, either of you?

Mr. **Webster**. That is a dangerous invitation, Mr. Chairman.

I think I probably should stop at this point, other than to say that we appreciate the chance to discuss these issues with you; we appreciate your guidance and your oversight.

The FBI, to maintain the confidence of the American people, must always be an organization which functions within the law, not outside the law.

We need your guidance and your direction to make it clear that these aggressive activities in behalf of our national security, are in fact within the law.

Senator **Denton**. And we need your advice regarding recommended, suggested, or possible changes to the law which might permit you to do your job better in the interest of the Nation.

This hearing stands in recess until tomorrow morning at 10 a.m., when the subcommittee will continue an examination of this issue.

The witnesses will be W. Mark Felt, former Associate Director, FBI; Edward S. Miller, former Assistant Director, Intelligence Division, FBI; Joseph A. Sizoo, president, Society of Former Special Agents of the FBI; and Dario O. Marquez, president, MCM, Inc., and former special agent, U.S. Secret Service.

Thank you again.

This hearing stands adjourned.

[Whereupon, at 12:30 p.m., the subcommittee recessed, to reconvene Friday, June 25, 1982, at 10 a.m.]

APPENDIX

FBI GUIDELINES

Department of Justice
Washington 20530

March 10, 1976

NOTE TO THE NEWS MEDIA

Attached are FBI guidelines that Attorney General Levi plans to put into effect soon. The guidelines cover domestic security investigations, White House personnel security and background investigations, and reporting on civil disorders and demonstrations involving a federal interest.

Attachment.

DOMESTIC SECURITY INVESTIGATIONS

I. BASES OF INVESTIGATION

A. Domestic security investigations are conducted, when authorized under Section II(C), II(F), or II(I), to ascertain information on the activities of individuals, or the activities of groups, which involve or will involve the use of force or violence and which involve or will involve the violation of federal law, for the purpose of:

(1) overthrowing the government of the United States or the government of a State;

(2) substantially interfering, in the United States, with the activities of a foreign government or its authorized representatives;

(3) substantially impairing [for the purpose of influencing U.S. government policies or decisions:]

  (a) the functioning of the government of the United States;

  (b) the functioning of the government of a State; or

  (c) interstate commerce.

(4) depriving persons of their civil rights under the Constitution, laws, or treaties of the United States.

II. INITIATION AND SCOPE OF INVESTIGATIONS

A. Domestic security investigations are conducted at three levels -- preliminary investigations, limited investigations, and full investigations -- differing in scope and in investigative techniques which may be used.

B. All investigations undertaken through these guidelines shall be designed and conducted so as not to limit the full exercise of rights protected by the Constitution and laws of the United States.

Preliminary Investigations

C. Preliminary investigations may be undertaken on the basis of allegations or other information that an individual or a group may be engaged in activities which involve or will involve the use of force or violence and which involve or will involve the violation of federal law for one or more of the purposes enumerated in IA(1)-IA(4). These investigations shall be confined to determining whether there is a factual basis for opening a full investigation.

D. Information gathered by the FBI during preliminary investigations shall be pertinent to verifying or refuting the allegations or information concerning activities described in paragraph IA.

E. FBI field offices may, on their own initiative, undertake preliminary investigations limited to:

1. examination of FBI indices and files;
2. examination of public records and other public sources of information;
3. examination of federal, state, and local records;
4. inquiry of existing sources of information and use of previously established informants; and
5. physical surveillance and interviews or persons not mentioned in E(1)-E(4) for the limited purpose of identifying the subject of an investigation.

Limited Investigations

F. A limited investigation must be authorized in writing by a Special Agent in Charge or FBI Headquarters when the techniques listed in paragraph E are inadequate to determine if there is a factual basis for a full investigation. In addition to the techniques set forth in E(1)-E(4) the following techniques also may be used in a limited investigation:

1. physical surveillance for purposes other than identifying the subject of the investigation;
2. interviews of persons not mentioned in E(1)-E(4) for purposes other than identifying the subject of the investigation, but only when authorized by the Special Agent in Charge after full consideration of such factors as the seriousness of the allegation, the need for the interview, and the consequences of using the technique. When there is a question whether an interview should be undertaken, the Special Agent in Charge shall seek approval of FBI Headquarters.

G. Techniques such as recruitment or placement of informants in groups, "mail covers," or electronic surveillance, may not be used as part of a preliminary or a limited investigation.

H. All preliminary and limited investigations shall be closed within 90 days of the date upon which the preliminary investigation was initiated. However, FBI Headquarters may authorize in writing extension of a preliminary or limited investigation for periods of not more than 90 days when facts or information obtained in the original period justify such an extension. The authorization shall include a statement of the circumstances justifying the extension.

Full Investigation

I. Full investigations must be authorized by FBI Headquarters. They may only be authorized on the basis of specific and articulable facts giving reason to believe that an individual or a group is or may be engaged in activities which involve the use of force or violence and which involve or will involve the violation of federal law for one or more of the purposes enumerated in IA(1)-IA(4). The following factors must be considered in determining whether a full investigation should be undertaken:

(1) the magnitude of the threatened harm;

(2) the likelihood it will occur;

(3) the immediacy of the threat; and

(4) the danger to privacy and free expression posed by a full investigation.

Investigative Techniques

J. Whenever use of the following investigative techniques are permitted by these guidelines, they shall be implemented as limited herein:

(1) use of informants to gather information, when approved by FBI Headquarters, and subject to review at intervals not longer than 180 days; provided,

(a) when persons have been arrested or charged with a crime, and criminal proceedings are still pending, informants shall not be used to gather information concerning that crime from the person(s) charged; and

(b) informants shall not be used to obtain privileged information; and (where such information is obtained by an informant on his own initiative no record or use shall be made of the information.)

(2) "mail covers," pursuant to postal regulations, when approved by the Attorney General or his designee, initially or upon request for extension; and

(3) electronic surveillance in accordance with the requirement of Title III of the Omnibus Crime Control and Safe Streets Act of 1968.

Provided that whenever it becomes known that person(s) under surveillance are engaged in privileged conversation (e.g., with attorney), interception equipment shall be immediately shut off and the Justice Department advised as soon as practicable. Where such a conversation is recorded it shall not be transcribed, and a Department attorney shall determine if such conversation is privileged.

NOTE: These techniques have been the subject of strong concern. The committee is not yet satisfied that all sensitive areas have been covered (e.g., inquiries made under "pretext;" "trash covers," photographic or other surveillance techniques.)

III. TERMINATING INVESTIGATIONS

A. Preliminary, limited, and full investigations may be terminated at any time by the Attorney General, his designee, or FBI Headquarters.

B. FBI Headquarters shall periodically review the results of full investigations, and at such time as it appears that the standard for a full investigation under II(I) can no longer be satisfied and all logical leads have been exhausted or are not likely to be productive, FBI Headquarters shall terminate the full investigation.

C. The Department of Justice shall review the results of full domestic intelligence investigations at least annually, and shall determine in writing whether continued investigation is warranted. Full investigations shall not continue beyond one year without the written approval of the Department. However, in the absence of such notification the investigation may continue for an additional 30 day period pending response by the Department.

IV. REPORTING, DISSEMINATION, AND RETENTION

A. Reporting

1. Preliminary investigations which involve a 90-day extension under IIH and limited investigations under IIF, shall be reported periodically to the Department of Justice. Reports of preliminary and limited investigations shall include the identity of the subject of the investigation, the identity of the person interviewed or the person or place surveilled, and shall indicate which investigations involved a 90-day extension. FBI Headquarters shall maintain, and provide to the Department of Justice upon request, statistics on the number of preliminary investigations instituted by each field office, the number of limited investigations under IIF, the number of preliminary investigations that involved 90-day extensions under IIH, and the number of preliminary or limited investigations that resulted in the opening of a full investigation.

2. Upon opening a full domestic security investigation the FBI shall, within one week, advise the Attorney General or his designee thereof, setting forth the basis for undertaking the investigation.

3. The FBI shall report the progress of full domestic security investigations to the Department of Justice not later than 90 days after the initiation thereof, and the results at the end of each year the investigation continues.

4. Where the identity of the source of information is not disclosed in a domestic security report, an assessment of the reliability of the source shall be provided.

B. Dissemination

1. Other Federal Authorities

The FBI may disseminate facts or information obtained during a domestic security investigation to other federal authorities when such information:

(a) falls within their investigative jurisdiction;

(b) may assist in preventing the use of force or violence; or

(c) may be required by statute, interagency agreement approved by the Attorney General, or Presidential directive. All such agreements and directives shall be published in the Federal Register.

2. State and Local Authorities

The FBI may disseminate facts or information relative to activities described in paragraph IB to state and local law enforcement authorities when such information:

(a) falls within their investigative jurisdiction;

(b) may assist in preventing the use of force or violence; or

(c) may protect the integrity of a law enforcement agency.

3. When information relating to serious crimes not covered by paragraph IA is obtained during a domestic security investigation, the FBI shall promptly refer the information to the appropriate lawful authorities if it is within the jurisdiction of state and local agencies.

4. Nothing in these guidelines shall limit the authority of the FBI to inform any individual(s) whose safety or property is directly threatened by planned force or violence, so that they may take appropriate protective safeguards.

5. The FBI shall maintain records, as required by law, of all disseminations made outside the Department of Justice, of information obtained during domestic security investigations.

C. Retention

1. The FBI shall, in accordance with a Records Retention Plan approved by the National Archives and Records Service, within _____ years after closing domestic service investigations, destroy all information obtained during the investigation, as well as all index references thereto, or transfer all information and index references to the National Archives and Records Service.

NOTE: We are not yet certain whether empirical data exists to help define a period of retention for information gathered in preliminary or full investigations. Whatever period is determined should take into account the retention period for other categories of information (e.g., general criminal, organized crime, and background checks); since we have not yet considered these areas we cannot fix a period for retention at this time.

NOTE: It may also be possible to establish a sealing procedure to preserve investigative records for an interim period prior to destruction. After being sealed, access would be permitted only under controlled conditions.

2. Information relating to activities not covered by paragraph IA obtained during domestic security investigations, which may be maintained by the FBI under other parts of these guidelines, shall be retained in accordance with such other provisions.

3. The provisions of paragraphs one (1), and two (2) above apply to all domestic security investigations completed after the promulgation of these guidelines, and apply to investigations completed prior to promulgation of these guidelines when use of these files serves to identify them as subject to destruction or transfer to the National Archives and Records Service.

4. When an individual's request pursuant to law for access to FBI records identifies the records as being subject to destruction or transfer under paragraph one (1), the individual shall be furnished all information to which he is entitled prior to destruction or transfer.

WHITE HOUSE PERSONNEL SECURITY AND BACKGROUND INVESTIGATIONS

I. COLLECTION OF INFORMATION

A. Initiation of Investigation

1. White House investigations involving file reviews or field investigations conducted by the FBI shall be initiated only to ascertain facts and information relevant to the suitability of persons being considered for Presidential appointment; staff of the Executive Office; clearance for access to classified information; granting clearance for access to or service at the White House or other places under the protection of the U.S. Secret Service in connection with its duties to protect the President and the Vice President of the United States.

2. White House investigations involving file reviews or field investigations shall be initiated as follows:

   a. The President of the United States, and the Counsel or Associate Counsel to the President or the Attorney General may initiate investigations directly with the FBI.

   b. The Secretary of State and the Director of the National Security Counsel may request the FBI to conduct White House investigations when authorized by formal agreements with the Attorney General. These agreements shall designate by title all persons authorized to request White House inquiries, shall be consistent with the provisions of these guidelines, and are to be published in the Federal Register.

3. Requests for White House investigations involving file reviews shall be made or confirmed in writing specify the official initiating the request;

identify the person under investigation for appointment, clearance or service; and the purpose of the investigation as described in A(1) above.

4. Requests for White House investigations involving field investigations shall be made or confirmed in writing; specify the official initiating the investigation, and identify the person under investigation for appointment, clearance, or service. The request shall be accompanied by a statement signed by the subject of the investigation acknowledging that he has consented to the investigation with the knowledge that facts or information gathered shall be retained consistent with the FBI records retention plan. The requesting official must certify the subject of the investigation has been apprised of the provisions of Section (e)3 of the Privacy Act of 1974.

B. Investigation

1. White House investigations involving file reviews or field investigations must be thorough, precise, and fair.

2. Persons interviewed during White House field investigations shall be told that the individual under investigation is being considered for a position of trust involving the Government. The name of the official or agency initiating the investigation, or the position for which the individual is being considered shall not be disclosed unless specifically authorized by the requesting official.

3. Subject to the Freedom of Information Act and Privacy Act of 1974, persons interviewed during White House field investigations may be assured that, to the extent permitted by law, information identifying such persons will be kept confidential.

4. Where a person is the subject of a subsequent White House field investigation, information contained in the earlier report reflecting adversely on the person shall be re-investigated, where such inquiry is likely to yield information relevant to the current investigation and where such inquiry is practicable.

C. Reporting

1. Information obtained during White House file reviews or field investigations shall be furnished to the initiating authority and/or the White House. The FBI shall retain a record of persons to whom such information is furnished.

2. Any investigative efforts to determine the truth or falsity of reported derogatory allegations or information shall be reported.

3. Where the identity of the source of information is not reported in a White House file review or field investigation, an assessment shall be provided of the reliability of such source.

II. DISSEMINATION AND RETENTION OF INFORMATION

A. Retrieval

1. The FBI shall retain a record of all relevant

information gathered during the course of White House investigations consistent with these guidelines.

2. Information obtained during these investigations may be indexed in such a manner as to assist in its subsequent retrieval.

B. Access

1. The Director of the FBI shall insure that access to White House investigative files under his control is restricted and that stringent controls are maintained over such files limiting their use to official purpose.

2. Officials outside the FBI to whom White House file review and field investigations reports are furnished shall insure that internal access thereto is restricted to persons directly involved in making Presidential appointments; determining Executive Office staffing; granting clearance to classified information; approving access to or service at the White House or other place under the protection of the U.S. Secret Service as described in these guidelines. A record shall be maintained of the identity and organizational unit of officials requesting access to White House investigative files, as well as the dates these files are issued and returned.

C. Dissemination

1. Where during the couse of a White House field investigation the FBI finds some indication that the person under investigation may have committed a crime or other violation of law the FBI shall notify the initiating official thereof; and either investigate the crime if within its jurisdiction or refer the facts or information of the possible violation to appropriate authorities for determination.

2. No subsequent dissemination shall be made by the FBI of the results of White House field investigations or file reviews, conducted for the incumbent Administration, without the express approval of the President, Counsel, or Associate Counsel to the President, except as expressly required by federal statute or as part of an investigation of a violation of law.

3. No one receiving FBI reports of White House file reviews or field investigations shall reproduce or disseminate these materials other than in accord with B(2) above without the express consent of the FBI. Such dissemination must be predicated upon the request of an official authorized by or in accordance with these guidelines to initiate a White House investigation, and only for a purpose authorized by these guidelines.

4. The FBI and officials receiving reports of White House file reviews or field investigations shall maintain a record of all dissemination of these materials to other agencies.

D. Retention of Information

1. Information obtained during White House file reviews or field investigations shall be retained

at FBI Headquarters and at FBI field offices as prescribed by the FBI Records Retention Plan.

2. Results of White House investigations maintained by the FBI shall be destroyed ______ years after completion of the investigation subject to the following conditions:

   a. files and information determined by the Archivist of the United States to be of historic interest shall be transferred to the custody of the National Archives and Records Service _____ years after the completion of the investigation.

   b. files and information relating to persons who have been re-investigated may be retained _____ years from the date of the latest investigation.

3. Anyone receiving FBI reports of White House file reviews or field investigations shall destroy such reports within ninety (90) days after receiving them, unless notice in writing is given to the FBI that an additional period of time, not exceeding ninety (90) days, is needed to complete a decision relating to the White House investigation.

4. The provisions of paragraphs two (2) and three (3) above apply to all inquiries completed after the promulgation of these guidelines. The provisions of paragraph two (2) apply to inquiries completed prior to promulgation of these guidelines when use of these files serves to identify them as subject to destruction or transfer to the National Archives and Records Service.

5. When an individual's request pursuant to law for access to files pertaining to him identifies files as being subject to destruction or transfer under paragraph two (2), he shall be furnished all information to which he is entitled prior to destruction or transfer.

   NOTE: The primary reference of "pursuant to law" in this paragraph is to the Privacy Act of 1974, which specifically authorizes access to background investigation files.

REPORTING ON CIVIL DISORDERS AND DEMONSTRATIONS INVOLVING A FEDERAL INTEREST

I. Basis for Reports and Investigations

The Federal Bureau of Investigation is responsible for reporting information on civil disturbances or demonstrations in four categories:

A. Investigating --

   1) violations of federal criminal law directed explicitly at civil disorders (e.g. 18 U.S.C. 231, 2101); and
      Gc

   2) violations of federal criminal law of general applicability occuring during civil disorders.

B. Providing information and assistance, upon request of the

Secret Service, to aid in carrying out its protective responsibilities under 18 U.S.C. 112, 970, 3056 and P.L. 90-331.

NOTE: Under 18 U.S.C. 112 and 3056 the Secret Service is assigned responsibility to provide protection to certain U.S. Government officials and foreign officials and visitors. P.L. 90-331 provides Secret Service protection for candidates for office and authorizes Secret Service to call on any federal agency to assist in this regard. Responsibility for protection of foreign missions is assigned to the Executive Protection Service under the direction of the Secret Service. This accounts for the reference to 18 U.S.C. 970 dealing with damage to foreign missions.

C. Providing information concerning actual or threatened civil disorders which may require the presence of federal troops to enforce federal law or federal court orders (10 U.S.C. 332, 333) or which may result in a request by State authorities to provide federal troops in order to restore order (10 U.S.C. 331).

NOTE: The statutes cited provide three bases for the use of troops in connection with civil disorders. Section 332 authorizes troops, at Presidential initiative, to enforce federal law and was the basis for the use of troops to protect the mail in the Pullman strike. Section 333 deals with the use of troops to protect civil rights and enforce court orders and was the basis for using troops at Little Rock and Oxford. Section 331 permits the President to send troops at the request of a State when State authorities cannot restore order, e.g. the Detroit Riot.

D. Providing information relating to demonstration activities which are likely to require the federal government to take action to facilitate the activities and provide public health and safety measures with respect to those activities.

NOTE: While there is no specific statutory authority for collection of information in these circumstances, the Second Circuit recognized in Fifth Avenue Peace Parade Committee v. Kelley, 480 F.2d 326, cert. denied, 415 U.S. 948, that the federal government has a legitimate need for information concerning demonstrations planned at federal facilities in order to provide services in connection with the demonstration. For example, considerable information was needed in order to fashion an appropriate permit for the November 1971 moratorium march in Washington, D.C.

II. Criminal Offenses

A. Investigation of criminal offenses referred to in paragraph I.A. shall be undertaken in the manner provided for in guidelines relating to criminal investigations generally.

B. Information concerning criminal offenses within the investigative jurisdiction of the FBI which is acquired incidentally in the course of implementing parts III through V, shall be handled in the manner provided for in guidelines relating to criminal investigations generally.

C. Information concerning criminal offenses within the investigative jurisdiction of another federal agency which is acquired incidentally in the course of implementing parts II through V, shall be reported to the agency having jurisdiction.

D. Information concerning serious criminal offenses within the investigative jurisdiction of State or local agencies which is acquired incidentally in the course of implementing parts II through V shall be reported to the appropriate lawful authorities.

NOTE: Using the criteria now applied by NCIC, the reference to serious offenses would exclude such matters as: drunkeness, vagrancy, loitering, disturbing the peace, disorderly conduct, adultery, fornication, and consensual homosexual acts, false fire alarm, non-specific charges of suspicion or investigation, traffic violations, and juvenile delinquency.

E. Information relating to criminal offenses acquired in the course of implementing parts II through V shall be retained and indexed as provided for in guidelines relating to criminal investigations generally.

III. Assisting the Secret Service

A. Information relating to the protective responsibilities of the Secret Service described in Paragraph I.B, which is acquired incidentally by the FBI in the course of carrying out its responsibilities, shall be reported to the Secret Service. The FBI shall not undertake specific investigations for the purpose of assisting the Secret Service in its protective responsibilities without a specific request from the Director of the Secret Service or his designee, made or confirmed in writing.

NOTE: The Department should undertake to review with the Secret Service existing agreements on the dissemination of information from the FBI to the Secret Service. The draft report of the General Accounting Office indicates that very little information reported by the FBI is actually retained by Secret Service.

B. A record shall be made of all information reported to the Secret Service pursuant to paragraph III.A. and the record shall be retained by the FBI for five years.

NOTE: This is the standard Privacy Act accounting requirement.

C. Information reported to the Secret Service may be retained by the FBI for a period of ____ years.

NOTE: The retention period for this information will be considered in a general review of retention under all the guidelines.

IV. Civil Disorders

A. Information relating to actual or threatened civil disorders acquired by the FBI from public officials or other public sources or in the course of its other investigations, shall be reported to the Department of Justice.

B. The FBI shall not undertake investigations to collect information relating to actual or threatened civil disorders except upon specific request of the Attorney General or his designee. Investigations will be authorized only for a period of 30 days but the authorization may be renewed, in writing, for subsequent periods of 30 days.

C. Information shall be collected and reported pursuant to paragraphs A and B above for the limited purpose of assisting the President in determining whether federal troops are required and determining how a decision to commit troops shall be implemented. The information shall be based on such factors as:

1) The size of the actual or threatened disorder -- both in number of people involved or affected and in geographic area;

2) The potential for violence;

3) The potential for expansion of the disorder in light of community conditions and underlying causes of the disorder;

4) The relationship of the actual or threatened disorder to the enforcement of federal laws or court orders and the likelihood that State or local authorities will assist in enforcing those laws or orders;

5) The extent of State or local resources available to handle the disorder.

D. Investigations undertaken, at the request of the Attorney General or his designee, to collect information relating to actual or threatened civil disorders shall be limited to inquiries of:

1) FBI files and indices;

2) Public records and other public sources of information;

3) Federal, State and local records and officials;

4) Established informants or other established sources of information.

Interviews of individuals other than those listed above, and physical or photographic surveillance shall not be undertaken as part of such an investigation except when expressly authorized by the Attorney General or his designee.

E. Information relating to civil disorders, described in paragraph C above, shall be reported to the Department of Justice and may also be reported to federal, state or local officials at the location of the actual or threatened disorder who have a need for the information in order to carry out their official responsibilities in connection with such a disorder.

F. Information acquired or collected pursuant to paragraphs A through D above may be retained by the FBI for a period of _____ years but may not be indexed in a manner which permits retrieval of information by reference to a specific individual unless the individual himself is the subject of an authorized law enforcement investigation.

NOTE: Retention period to be fixed later; indexing limit to be implemented immediately.

V. Public Demonstrations

A. Information relating to demonstration activities which are likely to require the federal government to take action to facilitate the activities and provide public health and safety measures with respect to those activities which is acquired incidentally by the FBI in the course of carrying out its responsibilities, shall be reported to the Department of Justice.

B. The FBI shall not undertake investigations to collect information with respect to such demonstrations except upon specific request of the Attorney General or his designee.

C. Information collected and reported pursuant to paragraphs A and B above shall be limited to that which is necessary to determine:

1) The date, time, place and type of activities planned;

2) The number of persons expected to participate;

3) The intended mode of transportation to the intended site or sites and the intended routes of travel;

4) The date of arrival in the vicinity of the intended site and housing plans, if pertinent;

5) Similar information necessary to provide an adequate federal response to insure public health and safety and the protection of First Amendment rights.

NOTE: Clause 5 above is intented to encompass such additional facts affecting the federal responsibility as unusual health needs of participants, counter-demonstrations planned which may increase safety needs, or possible inability of participants to arrange return transportation.

D. Investigations undertaken to collect information relating to demonstrations pursuant to paragraph B above shall be limited to determining the information described in paragraph C. Such information shall be collected only by inquiries of:

1) FBI files and indices,

2) Public records and other public sources of information,

3) Federal, state and local records and officials,

4) Persons involved in the planning of the demonstration, provided that in conducting interviews with such persons the FBI shall initially advise them specifically of the authority to make the inquiry and the limited purpose for which it is made.

E. The FBI shall not undertake to photograph any demonstration or the preparation therefor in carrying out its responsibilities under paragraph V.

F. Information acquired or collected pursuant to paragraphs A through D above may be retained by the FBI for a period of ____ years but may not be indexed in a manner which permits identification of an individual with a particular demonstration or retrieval of information by reference to a specific individual, unless the individual himself is the subject of an authorized law enforcement investigation.

NOTE: Retention period to be fixed later; indexing limit to be implemented immediately.

QUESTIONS AND ANSWERS

RESPONSES OF THE FEDERAL BUREAU OF INVESTIGATION TO QUESTIONS OF SENATOR DENTON

[The following questions were submitted to the FBI prior to the hearing for response.

An additional question submitted requested the FBI to provide the subcommittee with their specific proposal for modification to the Levi guidelines. The FBI has indicated that these recommendations have been forwarded to the Department of Justice and will be available to the subcommittee upon approval by the Department of Justice.]

Question 1 & 2:

What is the current statutory authority for domestic security investigations?

Please describe how the statutory authorities have changed over the last ten years.

Answer:

The basic authority of the Federal Bureau of Investigation to conduct domestic security investigations is drawn from Section 533 of Title 28 of the United States Code. Under that statute, the Attorney General may appoint officials "(1) to detect and prosecute crimes against the United States; (2) to assist in the protection of the President; and (3) to conduct such investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General." There are other statutes, such as the Congressional Assassination, Kidnaping and Assault Act, that give the Bureau special responsibilities to investigate particular crimes. In addition, there are Executive orders and Presidential statements or directives which place investigatory responsibilities upon the Bureau to gather information bearing on our Nation's security.

There has been no change in the statutory authority for domestic security investigations in the past ten years.

Question 3:

Without identifying them by name, how many domestic security investigations are open today (by groups and individuals)? Please characterize each of the groups.

(a) How many preliminary domestic security investigations are open today (by groups and individuals)?

(b) How many limited investigations are open today (by groups and individuals)?

(c) How many full domestic security investigations are open today (by groups and individuals)?

Answer:

As of August 20, 1982, there are a total of thirty-eight domestic security investigations being conducted by the FBI. These consist of full investigations on eight organizations and ten individuals; limited investigations on seven organizations; and preliminary investigations on seven organizations and six individuals.

The following are succinct characterizations of each of the eight groups under full investigation:

The Armed Forces of Puerto Rican National Liberation (FALN) is a clandestine terrorist organization dedicated to the liberation of Puerto Rico through the use of violent actions including bombings, incendiary attacks, kidnappings and threats. The group has financed its action through armed robberies of money, materials and vehicles. The FALN has claimed responsibility for 120 bombing-type incidents (actual bombings, attempted bombings, incendiary device attacks, and bomb threats) since October 26, 1974. These incidents have resulted in over 3½ million dollars in damages, five deaths, and 80 injuries. The group has forcibly taken control of two Presidential campaign offices and a National Guard Armory, binding employees and robbing the facilities. "Bomb factories" run by the FALN were discovered in Chicago and New York City on November 3, 1976, and July 12, 1978, respectively. Eleven members of the FALN were arrested in Evanston, Illinois, on April 4, 1980, in the possession of two stolen vans, two stolen cars, one falsely registered van, one stolen 14 foot truck, 13 firearms including automatic weapons, false identifications, and various disguises. One of these arrestees was subsequently sentenced to life imprisonment in Federal custody for a fatal FALN bombing in New York City. The other ten were ultimately sentenced to terms of 55 through 90 years in Federal custody for Sedition to thwart the authority of the United States Government and violation of the Hobbs Act. Between April 4, 1980, and March 1, 1982, the FALN claimed credit for no incidents. On March 1, 1982, four bombings in New York City were claimed by the FALN.

The Communist Workers Party (CWP) previously known as the Workers Viewpoint Organization is headquartered in New York City. The CWP is guided by the teachings of Marx, Lenin and Mao Tse Tung, and bases its revolutionary vanguard party in the working class. The CWP advocates the overthrow of the Government of the United States by any means possible, including violence, and further advocates the arming of the working class to achieve that end. Support for the organization which eventually became the CWP began in grass roots level activity in the Durham, North Carolina area in the fall of 1976. By the summer of 1979, the organization had embraced armed confrontation as a means to achieve their goal. Such a confrontation in November, 1979, in Greensboro, North Carolina resulted in the death of five members of the CWP. In January, 1980, CWP was excluded from a scheduled march on February 2, 1980, in commemoration of the 20th anniversary of the Civil Rights Movement in Greensboro, North Carolina because of their refusal to participate in an unarmed march. Members of the CWP continue to maintain arms in their places of residence in support of their professed willingness to kill in order to bring about the revolution they envision.

The Movement of National Liberation (MLN) is a Puerto Rican independence oriented organization centered in Chicago, Illinois, which believes that armed struggle is necessary in order for Puerto Rico to be liberated. The organization openly supports various clandestine terrorist groups presently functioning in Puerto Rico and in the continental United States. Included among these groups is the FALN.

Comites Obreros Revolucionarios (COR) first proclaimed its existence in Puerto Rico in 1971. From its inception, the self avowed objective of the group has been to obtain independence for Puerto Rico through armed revolution. Through words and deeds, COR has repeatedly advocated "producing a (social and political) crisis in Puerto Rico in order to "hasten independence through the use of arms.' COR has supported its activities through robberies, thefts, and burglaries which they refer to as "expropriations."

It has been reported by several sources of known reliability that COR is the command organization for all radical Puerto Rican organizations including: FALN (Fuerzas Armadas de Liberacion Nacional), FARP (Fuerzas Armadas de Resistencia Popular), OVRP (Organization de Voluntarios por la Revolucion Puertorriquena) and the EPB-Macheteros. These organizations either jointly or individually, have been involved in most major acts of terrorism in support of Puerto Rican independence occurring during the past decade. While COR's command capacity over the other organizations has not been factually established, its very name, Revolutionary Workers Committees (note its pluralness) and the close connection of known COR members with the other terrorist groups, adds credence to this belief.

The Jewish Defense League (JDL), organized in September of 1968, by Rabbi Meir D. Kahane, is headquartered in New York City, New York, and is composed primarily of young Jewish-American extremists who consider themselves to be protectors of "Jewish rights" and supporters of the state of Israel. The JDL has chapters in several of the larger metroplitan areas of the United States. Many JDL members have been trained in self-defense and the use of firearms. JDL members have engaged in bombings and numerous violent demonstrations throughout the United States in an attempt to publicize the poor treatment received by Jews in the Soviet Union and in Arab nations. Rabbi Kahane, former International Director of the JDL, has publicly proclaimed that violence is necessary to accomplish the objective of JDL.

The May 19th Communist Organization (M19) was formed when the Prairie Fire Organizing Committee (PFOC) split into coastal factions in 1976. The East Coast faction declared themselves to be M19 (May 19th is the birthday of Ho Chi Minh and Malcom X). M19 is dominated by feminists and reportedly supports various violent groups such as the Weather Underground, Black Iiberation Army, and Republic of New Africa.

Investigation of the Arizona Chapter of the Knights of the Ku Klux Klan is based on information received that this group may be involved in a conspiracy to murder a Federal informant and may have already murdered another individual they believe was an informant. According to the source, this group is made up of extremely dangerous individuals who may be involved in other illegal and violent activity. Investigation is continuing to determine the nature and activity of this group.

The Armed Forces of Popular Resistance (FARP) is a Puerto Rican based terrorist group dedicated to an independent Puerto Rico. In the past, the FARP has claimed numerous terrorist incidents on the island of Puerto Rico. In June of 1982, this organization claimed credit through a communique for placing two high order explosive devices on the seventh floor of Condominium Marbella West, Isla Verde, Carolina, Puerto Rico. The communique stated the bombing was done in retaliation for the forceable eviction by the Police of Puerto Rico (POPR) of over 100 families from a tract of land belonging to the Commonwealth of Puerto Rico. During the eviction one police officer was killed and several injured. No squatters were injured. POPR arrested six heavily armed individuals later linked to the Puerto Rican Independence Movement.

Question 4:

Under the current Guidelines, please specify the criteria under which preliminary, limited, and full domestic security investigations are initiated, with reference to the criminal standard?

Answer:

A preliminary investigation may be undertaken on the basis of allegations or other information that an individual or a group may be engaged in activities which involve or will involve the use of force or violence and which involve or will involve the violation of federal law for one or more of the pruposes enumerated in the Domestic Security Guidelines. These investigations are conducted to determine whether there is a factual basis for opening a full investigation.

The threshold for a limited investigation is the same as the standard for a preliminary investigation. It may be authorized by a Special Agent in Charge or FBI Headquarters when the techniques available in a preliminary investigation are inadequate to determine if there is a factual basis for a full investigation.

A full domestic security investigation may be authorized on the basis of specific and articulable facts giving reason to believe that an individual or group is or may be engaged in activities which involve or will involve the use of force or violence and which involve or will involve the violation of federal law. (Emphasis added.) Attorney General Levi testified shortly before promulgation of the Guidelines that the standard was intended to be the equivalent of "reasonable suspicion," which is substantially less than the grounds needed for arrest. It should also be understood that the "criminal standard" does not require a showing that a crime is "about" to be committed or that persons are "planning or preparing" to engage in crime. It is sufficient if there is reason to suspect that the individual or group is engaged in activities that "will involve" force or violence in violation of federal law now or in the future. The Guidelines refer to the "immediacy of the threat" as a factor to be considered in each case. But an individual or organization can be investigated for anticipated criminal activity if it is determined that the danger to society is so serious that it outweighs the remoteness of the threat.

Question 5:

Is advocacy of violence alone or a rhetoric of violence alone in public speeches or publicly available documents ever sufficient to initiate a preliminary domestic security investigation?

Answer:

On February 14, 1982, Director Webster appeared before your committee and stated the following concerning this question:

"I do not say there is a categorical 'no' to that. To me, words uttered by people who, because of known criminally violent activity in the past, have the present capability of carrying out violence, form a clear basis for an inquiry.

I think our society would say, that one cannot have a perpetual investigation of anyone who publishes a violent tract. If a point is reached where one is unable to substantiate it at some lower level, we either close the investigation, or we go back to receiving information when and as it comes to us.

What has bothered people in the past about intelligence gathering, as distinguished from criminal investigations, has been this idea that we will go into every organization just in case they might be saying something we do not like. We do not do that. We have rather limited resources. We quickly run out of people. The whole FBI is one-third the size of the police force of New York City.

I want to assure you that we do not use this as an excuse not to investigate organizations which are advocating violence in our society.

Now, penetration and infiltration is a law enforcement technique we have to use from time to time, and I urge its use in appropriate places - Title III wiretaps, the use of informants, the use of undercover operatives are all necessary. But in our society we have to agree what the solid basis for that type of activity should be.

I suggest that we are ultimately looking for criminal conduct. If we have a lead-in because someone is urging criminal conduct, we are entitled to make at least a threshold inquiry to see what it is.

Now, there is a lot of difference between that and saying, 'Good, let us go penetrate that organization, let us find someone and send them in, and have them become members and spend the next three years saying whether they really mean it or not'. It is a common sense approach."

Question 6:

Can the FBI read, clip, or research publicly available documents of a group or individual prior to the initiation of a preliminary investigation?

Answer:

The FBI may read, clip and research publicly available documents concerning a group or individual prior to a preliminary inquiry. However, the Privacy Act prohibits the Bureau from indexing such information in a manner that permits retrieval by name of the individual unless it is in connection with an authorized law enforcement activity.

Question 7:

What analytical resources of the FBI are being devoted to domestic security matters in terms of (a) budget allocations, (b) man years, and how much of these resources are devoted to reading, clipping, or researching and analyzing domestic security threats and problems?

Answer:

The Domestic Terrorism Budget for 1982 allocated nine workyears and $273,000 of budget authority for the Terrorist Research and Analytical Center (TRAC). Among the responsibilities of the TRAC are research and analysis in support of ongoing domestic security investigations.

We do not devote research and analytical resources to clipping and reading activities. During our ongoing domestic security investigations, those FBI personnel responsible for these investigations clip and read pertinent information which comes to their attention.

Question 8:

How does the FBI become aware of violent rhetoric or advocacy by groups or individuals? Is it through allegations by third parties, FBI research, other law enforcement agencies, or other sources?

Answer:

The FBI becomes aware of violent rhetoric or advocacy by groups or individuals in a variety of ways, several of which were enumerated in your question. It may also come to our attention through our own review of publicly available materials. As we stated earlier, there is nothing in the law or Guidelines that prevents us from reading such materials. We are prohibited by the Privacy Act, however, from indexing that information by name of a specific individual unless it is acquired in the course of an authorized law enforcement activity.

Question 9:

How many domestic security investigations under the Guidelines have been opened in the last five years on the basis of advocacy of violence alone?

Answer:

The review showed ten cases which were opened based on the advocacy of violence alone. These cases were incorrectly opened usually in the early stages of the implementation of the Guidelines or by field offices not familiar with domestic security policy. They were ordered closed by FBI Headquarters.

Question 10:

How many domestic security investigations have been opened in the last five years without some indications of current or imminent criminal activity on the part of the subject?

Answer:

Thirty-six cases were opened without indication of current or imminent criminal activity. These included the 10 cases incorrectly opened based on the advocacy of violence alone. Also included were cases opened on rank and file members of organizations and close associates of individuals under investigation before the policy restricting investigation to leaders and policy makers was instituted. Other cases in this category were those which did not necessarily indicate criminal activity but because of the nature of the information received required investigation. Typical of these cases are reports of unknown groups engaging in paramilitary training, buying large quantities of weapons or military equipment or seeking information on chemical, biological or other unconventional weapons. The final type of case in this category is the random reports of suspicious or unusual activity. All these cases were opened to determine if a threat existed. If it was determined that the activity did not meet the criteria of the Guidelines, they were immediately closed.

Question 11:

Provide a summary of domestic security investigations in the last five years and the criteria for opening them (for preliminary, limited, and full domestic security investigations).

Answer:

According to our survey 383 domestic security investigations were opened since January of 1977. These consisted of 220 preliminary, 36 limited, and 127 full investigations.

The criteria for opening these domestic security cases was previously submitted to the Committee as an answer to question number four of this series of questions.

Question 12:

How many domestic security investigations (preliminary, limited, and full) have been terminated by FBI Headquarters in the last five years? (Provide a summary of the reasons for each termination.)

Answer:

Forty-five domestic security investigations were closed by FBI Headquarters in the past five years. The reasons for these closings fit into one of three major categories. The first category for cases closed at FBI Headquarters is comprised of those cases closed for administrative reasons, such as changes in classification, consolidation into other cases or death, deportation or imprisonment of the subject. The second category includes cases closed based on FBI policy such as a determination the subject was not a leader or policy maker or was a candidate for public office. The third category is cases closed at FBI Headquarters because a determination was made that the activities of the subject or subjects did not meet the criteria for investigation under the Guidelines.

Questions 13 & 14:

How many domestic security investigations (preliminary, limited, and full) have been terminated by Department of Justice (DOJ) in the last five years? (Provide a summary of the reasons for each termination.)

How many full domestic security investigations have been terminated by DOJ in annual reviews in the past five years? (Provide a summary of the reasons for each termination.)

Answer:

In our review of domestic security investigations opened in the past five years we encountered no cases which were ordered closed by DOJ.

Question 15:

Have FBI agents or other investigative personnel been the subject of civil or criminal legal action for activities conducted under the Levi Guidelines?

Answer:

No FBI agents or other investigative personnel have been the subject of civil or criminal legal action for activities conducted under the Attorney General Guidelines for Domestic Security.

Question 16:

How many FBI personnel have had administrative action taken against them for violations of the Guidelines?

Answer:

There have been no FBI personnel who have had administrative action taken against them for violations of the Attorney General Guidelines for Domestic Security.

DOMESTIC SECURITY (LEVI) GUIDELINES

FRIDAY, JUNE 25, 1982

U.S. SENATE,
SUBCOMMITTEE ON SECURITY AND TERRORISM,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to recess, at 10:10 a.m., in room 2228, Dirksen Senate Office Building, Senator Jeremiah Denton (chairman of the subcommittee) presiding.

Also present: Senator East.

Staff present: Joel S. Lisker, chief counsel and staff director; Bert W. Milling, Jr., counsel; and Fran Wermuth, chief clerk.

OPENING STATEMENT OF SENATOR JEREMIAH DENTON

Senator DENTON. Good morning.

This hearing will come to order.

Today the subcommittee continues its inquiry into the Attorney General's Guidelines for Domestic Security Investigations, commonly called the Levi guidelines, which govern the activities of the Federal Bureau of Investigation in domestic security investigations.

Our primary interest is the effect that these guidelines have had on the ability of the FBI and other agencies to gather information or intelligence and to discharge their domestic security and other responsibilities.

Yesterday, we heard the testimony of FBI Director William Webster, who explained, in general terms, the Bureau's recommendation for changes to the guidelines. We also heard from Mary Lawton, who was a principal author of the guidelines.

Today, we will hear from four witnesses who, by virtue of long experience in the area of intelligence, are well placed to offer comments on the practical effects of the Levi guidelines on those charged with gathering the information that is necessary for the protection of our internal security.

Little more than 19 months ago, on November 6, 1980, a jury in the U.S. District Court for the District of Columbia found W. Mark Felt, a former Acting Associate Director of the FBI, and his longtime associate, Edward S. Miller, former Assistant Director of the FBI's Intelligence Division, guilty of conspiring to injure and oppress relatives and friends of the radical Weather Underground Organization by authorizing surreptitious entry into their homes. These entries took place in 1972 and 1973, 3 and 4 years prior to the promulgation of the Levi guidelines.

The outcome of the trial had the deplorable effect of mocking the Bureau's longstanding conception of its duties and prerogatives in the defense of the national interest. In another way, it disclosed the unrelenting hostility of certain groups in American society to the political philosophy which this administration represents as it seeks to reshape our strategy for countering Soviet efforts at subversion, espionage, and terrorism.

Mark Felt was fined $5,000, and Ed Miller was fined $3,500. Chief Judge William B. Bryant, who presided over the long trial, offered no explanation for imposing such trifling penalties in a case which, by some estimates, cost the U.S. Government $20 million to prosecute, and which cost friends and supporters of these two men an additional $1.5 million for their defense.

Apparently, the symbolism represented by a felony conviction was what was sought. The means Felt and Miller used in attempting to track down the elements of the Weather Underground Organization, who had perpetrated numerous bombings, violent street demonstrations and other acts of terrorism, were found by the court to constitute a violation of the constitutional rights of other Americans under the fourth amendment. That was the outcome which the opponents of the FBI wanted.

Happily for these gentlemen, President Reagan had the good sense and the moral courage to move forthrightly to undo the travesty of justice. On March 26, 1981, he gave full and unconditional pardons to Messrs. Felt and Miller. The President noted that they had acted in an honest belief that they were defending national security. Mindful of the pardons that his predecessor had conferred on tens of thousands of young men who evaded military service in Vietnam, the President observed that the country could be no less generous to two men who acted on high principle to bring an end to the terrorism that was threatening our Nation.

Mark Felt, when he retired in 1973, had given the Bureau 31 years of unblemished service, rising through the ranks from an entry level street agent to the No. 2 position in the FBI. Ed Miller, who retired at the same time, had served the Bureau for 24 years. He rose through the Bureau ranks to the No. 3 position.

We are honored to have Mr. Felt and Mr. Miller with us this morning to give us the benefit of their long experience.

Our third witness today will be Joseph A. Sizoo, who is the president of the Society of Former Special Agents of the FBI and who retired from the Bureau in 1972 after 37 years of service. Mr. Sizoo served in numerous executive positions throughout the Bureau, including Deputy Assistant Director to four Assistant Directors in the Intelligence Division. We welcome him and very much look forward to hearing his testimony.

The fourth witness today is Dario O. Marquez, Jr., president of MVM, Inc. Prior to founding that company, Mr. Marquez served for 8 years as a special agent of the U.S. Secret Service. He began his career with the Secret Service in New York City, where he worked as a criminal investigator. While in New York, he coordinated the advance security arrangements for numerous heads of state visiting the United States.

In 1976, Mr. Marquez was transferred to the Los Angeles Field Office of the Secret Service and there began his studies on domestic and international terrorism. He also traveled extensively with Secretary of State Kissinger and Vice President Rockefeller. His testimony will also be of considerable interest to us.

We will begin today's hearing with Mr. Felt and Mr. Miller as a panel.

I will ask all four witnesses to stand at this point and be sworn in.

Would you raise your right hands, gentlemen?

Do you swear that the testimony which you are about to give before this subcommittee will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. **Felt**. Yes.

Mr. **Miller**. Yes.

Mr. **Sizoo**. Yes.

Mr. **Marquez**. Yes.

Senator **Denton**. Please be seated and I will ask Mr. Felt and Mr. Miller to come forward to the table, take your places in front of the microphones, and I invite Mr. Felt to make any opening statement he cares to.

TESTIMONY OF W. MARK FELT, FORMER ASSOCIATE DIRECTOR, FEDERAL BUREAU OF INVESTIGATION, ACCOMPANIED BY EDWARD S. MILLER, FORMER ASSISTANT DIRECTOR, INTELLIGENCE DIVISION, FEDERAL BUREAU OF INVESTIGATION, WASHINGTON, D.C.

Mr. **Felt**. Thank you, Senator.

I might say that it is a very welcome relief to hear kind words for a change. Thank you very much.

I greatly appreciate the opportunity to express my views on the Attorney General's Guidelines for Domestic Security Investigations—commonly referred to as the Levi guidelines. I regard myself as somewhat of an authority on this subject matter, having learned the hard way.

I know this committee is concerned with civil rights, but it is equally concerned with terrorism and reasonable measures to prevent it in the United States. Make no mistake, terrorism is a technique used effectively by the Soviet KGB to destabilize opposing governments. Communist terrorism has been directed against the United States through Cuba, a completely controlled Soviet surrogate. I refer specifically to the Weather Underground Organization and the Puerto Rican FALN. You have been thoroughly briefed by the media concerning recent activities of both organizations. You received a detailed briefing on the Cuban connection from Daniel James on March 12, 1982.

In the late sixties and early seventies, the FBI effectively put a stop to the terrorist activities of the Palestine Liberation Organization and the Weather Underground Organization. In the early seventies, the FBI successfully thwarted PLO massacre and bomb plots which would have cost thousands of lives, if successful. Until recently, the United States enjoyed a respite from such activities.

Now, the pendulum is swinging back and we are confronted with an enormous security gap—and I underline the word enormous.

Leaders in the Kremlin must be laughing at us. One of the objectives of the Russian KGB is to hinder and neutralize foreign intelligence operations. Some 5 years ago, a known KGB agent confided to an American newspaper reporter in Cairo, Egypt, that the Americans had done more themselves to disable U.S. intelligence than had the KGB in its entire history.

The damage which has been done is due only in part to the Levi guidelines. We have gone through a period of post-Watergate morality when excesses by the media and some congressional committees did much to erode the effectivenss and credibility of our intelligence apparatus—the Freedom of Information Act has made a literal sieve of confidential Government files, which even the Russians grandly exploit. The FOIA completely eliminates assurances which could formerly have been given to sources, both domestic and foreign, that cooperation with U.S. agencies would be maintained in confidence. There is also the demoralizing fear of criminal prosecution and civil suits which hang over the heads of investigative agents, both Federal and local.

And then there are the cumbersome restrictions of the Attorney General's guidelines, which attempt to regulate security investigations with standards which apply to the criminal area.

This is like comparing watermelons and cucumbers. It is because of these restrictions that the FBI cannot now investigate violence-prone groups such as the National Socialist Party of America, with which John W. Hinckley, Jr., was associated for a time—the Progressive Labor Party, an avowed Communist group which directs its younger members to enlist in the U.S. Army to learn military tactics for use when the time comes for the overthrow of our Government by force and violence—the Ku Klux Klan, a violence-oriented group on the far right—the Weather Underground Organization, also an avowed Communist group which was responsible for scores of bombings and many deaths, including the recent murders of three fine men and the serious wounding of two others during the attempted Brink's robbery in Nyack, N.Y., October 20, 1981—to mention but a few of such groups.

I favor guidelines for FBI investigative jurisdiction in the domestic security area. We in the FBI recognized this in the fall of 1972 when a proposed charter was drawn up for submission to the Attorney General and the President. It was our hope that an Executive order would spell out the responsibilities of the FBI. This was submitted to the Attorney General in the fall of 1973—but nothing happened until 1976 when the current Levi guidelines were placed in effect. They had little resemblance to the original proposals submitted by the FBI and were drawn up by persons who obviously had no knowledge of the problems involved. As a result, the guidelines are far too restrictive.

I was very pleased to note in his appearance here yesterday that Judge Webster indicates steps are being taken to make the guidelines less restrictive and I am in complete agreement. This is a good step but it is not enough, because agents need the assurance that what happened to Mr. Miller and me cannot happen to them when a new Attorney General, some time down in the future, decides to change the guidelines.

Congress should enact a charter for the FBI, describing its jurisdiction in domestic security fields and the parameters within which its personnel must operate. The manner in which the Bureau conducts its investigations and disseminates the results should be solely under the authority of the Attorney General. He should be empowered by the charter to issue guidelines which, prior to implementation, would be submitted to FBI oversight committees of the Senate and House of Representatives for concurrence.

This would permit the Attorney General to order changes in the guidelines if changing conditions so require.

Any such changes would, of course, be submitted to the oversight committees prior to implementation. We cannot foresee, at any given time, what may develop in the future which might demand redirection of FBI investigative efforts. A general charter providing for Attorney General guidelines would permit such redirection without the delays that might be occasioned if specific guidelines were encased in legislation.

It is also imperative that agents be protected against malicious and harassment type civil suits. I strongly urge the enactment of Senate bill 1775, or similar legislation, amending the Federal Tort Claims Act to make the Government the sole defendant in civil suits for damages when the Federal agents were acting within the scope of their authority.

All of these problems were summed up very well by Judge William H. Webster, Director of the FBI, in his appearance yesterday and his appearance of February 4, 1982, when he said:

> My problem today is not unleasing the FBI. My problem today is in convincing those in the FBI that they can work up to the level of our authority. Too many people have been sued. Too many people have been harassed and their families and life savings tied up in litigation and the threat of prosecution, so that we, and others like us, run the risk that we will not do our full duty in order to protect ourselves.

The situation that he is describing is not unlike that of a doctor who is afraid to go to the aid of an accident victim because he may be sued for malpractice.

Thank God, no FBI agents or former agents are being criminally prosecuted today, but it has happened. Furthermore, hundreds are defendants in civil suits as a result of actions which they took in entire good faith and in strict compliance with internal guidelines existing at the time.

Last week in New York City, a civil suit demanding $200 million in damages was dismissed as against Edward S. Miller and me on jurisdictional grounds. The seven plaintiffs were all members and supporters of the Weather Underground terrorist group. Three were actively involved in the Brink's holdup at Nyack, N.Y., last October. One is married to a leader of the FALN.

The problem of civil suits is not limited to FBI agents and former agents. As of February 1982, over 2,000 civil suits of this nature were pending against Federal officials in their individual capacities. Most of these law suits involved multiple defendants and a total of over 8,000—I understand it may be as high as 10,000—Government employees are involved. These suits are destructive of morale and general efficiency. They have been used to interfere with and obstruct ongoing administrative, regulatory and law enforcement proceedings, and in some cases have become a defensive tool for criminal elements.

To return to the subject of guidelines, as I understand it, the purpose is primarily for the protection of civil rights. But are we not concerned about the civil rights of the five men who were gunned down at Nyack? What about the civil rights of their families?

What about the civil rights of the ones who were wounded? Are there others who share with me a sense of guilt that more was not done to stop these terrorists?

Nyack was not an isolated criminal act. These terrorists have been responsible for scores of violent acts in the past. They have been linked with three other recent robberies in which over $900,000 was taken. Had the Nyack robbery been successful, the total loot would have exceeded $2.5 million. This is hardly the sort of financing that deprived families' need to supplement their welfare incomes. This was to be the money needed to finance a series of terrorist actions, including bombing attacks on five police stations, the Queens district attorney's office and a New York City subway station—we do not know exactly which one.

Illustrating the seriousness of the problem, a news story dated January 9, 1982, referring to the Nyack case, states as follows—I am talking now about the information in the media. I do not have this as coming from inside the FBI. I have no contact inside the FBI:

> FBI probers believe that a well organized network of as many as 50 new left terrorists was involved in the October 20 armored car robbery in Nyack, N.Y., in which two policemen and a guard were brutally shot down and killed. Although seven Weathermen Underground suspects have been arrested, Federal experts believe that other key figures have been sheltered and perhaps moved out of the country. The Los Angeles Times reports that a 2-month search by an FBI-New York antiterrorist task force has uncovered an extensive structure of safe houses, mail drops, weapons caches, false identity documents and radio equipment.

Gentlemen, please give the FBI the support it needs to do the job.

Thank you.

Senator DENTON. Thank you very much, Mr. Felt.

I want to acknowledge the arrival of and extend a hearty welcome to my colleague and friend from North Carolina, Senator John East, and ask him if he cares to make any opening statement.

Senator EAST. No, thank you, Mr. Chairman, and I am happy to hear what the witnesses have to say. We can get on then with interrogating and finding out what they can tell us about this problem.

Senator DENTON. Senator East, it is my understanding that only Mr. Felt has an opening statement; the two gentlemen there in front of you, are, of course, Mr. W. Mark Felt, who just spoke, and Edward S. Miller.

It is my understanding, Mr. Miller, that you do not care to make an opening statement.

Is that correct?

Mr. MILLER. Well, I do not have a printed statement, Senator.

Senator DENTON. OK.

If you care to make a statement, please feel free.

Mr. MILLER. I do want to say thank you for inviting us to join you and Senator East. My statements are oral. I have many things that I think about this type of situation.

First of all, I think it is important to commend this subcommittee for the work that it has done thus far. In reading this morning's paper, it certainly was welcome to me, to find that there has been or probably will be some relaxing of the interpretation of the Levi guidelines. Most certainly they were and are too restrictive to work under in any effective way.

We do acknowledge, however, that they were drafted during a very difficult time and perhaps at the time, this is the best the people could do under the circumstances. We do realize that.

Of interest to me is not only the Levi guidelines; that is just a beginning. Bob Blakey, who you may know, who is a professor of law at the University of Notre Dame, and who is quite an authority on the law and one of the drafters of the Omnibus Crime Bill of 1968, has been invited here to the Hill on many occasions to assist in legal matters, told me during the trial, in private, out in the hallway, that he said: "I am sorry, Ed, but I hope that you and Felt are found guilty, because the internal security or the collection of domestic intelligence information in the United States is a problem that is 200 years old. It has never been solved."

Up until 1947, we had the same problem with collection of foreign intelligence information. Until World War II, we all realized that there was something wrong with the United States. It had been growing and doing other things for so long a time that it did not really worry about its part in the comity of nations until it got involved in World War II and found itself pitifully lacking as far as intelligence collection is concerned.

With this apparent situation following World War II, and after many meaningful skull sessions, the Internal Security Act of 1947 was drafted and, since that time, the United States has been meaningfully addressing itself to protecting the country through collection of foreign intelligence information.

You have the National Security Council, a member of which is the President; you have the Central Intelligence Agency; you have the Director of Central Intelligence; you have the U.S. Intelligence Board; you have, beginning with President Eisenhower, the President's Foreign Intelligence Advisory Board; you have many things.

You have got the Board of National Estimates, which takes the total product of intelligence collection, analyzes it, presents it to the U.S. Intelligence—the United States Intelligence Board, I say—I understand now the name has changed, but when I was a member of it, that is what it was called. I do not know what it—I do not know what the name of it is right now, but it is still in existence.

At any rate, this country, because of the realization that it lacked an intelligence capability, did something to help itself; that is what has never been done in the domestic field.

I was quite interested and perhaps startled, 4 or 5 days ago when James Michener was being interviewed on the "Good Morning America" show by David Hartman.

Michener is, of course, an author and probably recognized as an historian. Michener said that he expected this Nation to last until the year 2050. That is about 55 years from now. And I thought to myself that if Michener is right, then our worries about the social security are probably in vain, because children being born now are going to be part of a different system; that is what Michener predicts. We are going to have a different system.

I thought again at that time of the necessity for us, not only to address ourselves to the Levi guidelines, not if Mr. Webster and the Department come in, in 3 or 4 weeks as they say they will, with some concessions to the Levi guidelines, let us not say this is the end of our mission as far as internal security is concerned.

I think our mission has just started. Not only the Levi guidelines were a problem to this country, there are problems on the Hill, there are holes in domestic intelligence security matters right here in "Windy City" on Capitol Hill; there are holes in virtually the entire Government.

What I would propose, and I think this committee from the capable work that it has done, certainly could be a prime mover in directing an effort, either through some private foundation and most certainly I am not talking about the kind of a foundation that the House of Representatives asked to review the President's budget, and some endorsed by some 55 Members of the House. I am talking about a responsible private foundation to review this whole matter of internal security, with the thought in mind of putting in place, in this country, a mechanism similar in respect to what we have in the Foreign Intelligence collection; in other words, some kind of a council to direct information to the President; some kind of a group to review raw material, material furnished to it and make intelligence out of it; some kind of a group to provide a quality effort as far as domestic security is concerned.

In closing, this question was asked me and I furnished a copy of this to Mr. Lisker yesterday, by a gentleman by the name of Sanford Unger and I, by no means am plugging his book, which he called "The FBI." But he asked me what I thought of the Bureau's role in domestic intelligence collection. This was in 1974, and unknown to me, he was probably taping it because he quoted fairly accurately what I recall telling him.

I said that "Rome lasted for 600 years." I chose Rome because of Italy being a country similar to what we think ours is, a country of law.

> Six hundred years and we are just coming on to our 200th. That does not mean that we have 400 to go. We have to step back and look at ourselves protectively. How much dissent and revolutionary talk can we really stand in a healthy country? Revolutions always start in a small way. Economic conditions are bad, the credibility of government is low. These are the things that the homegrown revolutionary is monitoring very closely. The FBI's attention must be focused on these various situations. If it were not, the Bureau would not be doing its job for the American people. The American people do not want to have to worry about the security of their country. We must be able to find out what stage the revolution is in.

That is the way I felt in 1974, and that is the way I feel today about the FBI. It must be in a position, through its intelligence collection capabilities, to provide information to the people's elected officials, to assess and evaluate exactly what stage this—these revolutionary efforts, which we know are there, that Felt was talking about, that what the stage that these things are in, and I think that is what we are talking about. We want to loosen the guidelines, we want to protect this country from putting itself in a more or less vulnerable situation that we have been in.

Thank you.

Senator **Denton**. Thank you very much, Mr. Miller.

The integration of your two statements is very expressive of my own views. I have not served in the FBI but I have been involved personally throughout my lifetime with the security of this country. Those who are concerned with the liberties of its citizens and those who are concerned about its security should not find themselves as much at odds as they have over the past 15 years or so. It seems absurd that the libertarians in our society are so obsessed with the alleged obsession of those who are concerned with national security. In defeating, or rolling back the effort of those who try to preserve national security, the libertarians overdo it to the point where we have no national security. They will be astonished when they are stood up against the wall and shot, whereas I will not. I will know why they are shooting me.

In my view, that is an absurd situation although I believe both sides are most sincere.

Mr. MILLER. Yes, exactly.

Senator DENTON. Lenin, Stalin, Khruschchev, the more intellectual ones of my captors in North Vietnam, all had one thing in common, which was their amusement over the United States propensity for destroying itself. There are many quotations by these individuals to the effect that if you give the United States enough rope, they are going to hang themselves.

When Khrushchev said "We will bury you," he did not mean that they were going to bury us in atomic rubble, although indeed that is a possibility. He meant that the United States will be truer to what the Soviets say we are than to what we say we are, that we are going to so corrupt ourselves that economically, psychologically, and so on, the Soviets will outlive us, they will bury us in that sense. The Soviets are profoundly aware of the dichotomy I just mentioned between those who stress individual rights and those who stress national security. I would give blood by the day to see this dichotomy diminish because there are excellent people on both sides of this left-right dialog. We should be able to find 95 percent of common ground in a common effort to save this imperfect Nation which has done more than any other nation in history to spread to its citizens, and even to the world, basic human rights. We are still far from perfect in that respect but we are making more progress than any other major nation in history.

I think the hope of this country rests, to a large extent, with the media. I cannot leave this subject without building on your quotation from Michener. In his book "The Quality of Life," Michener speaks of the role played by the media with respect to the war in Vietnam, about which I think there is still great confusion, principally as a result of the way the three networks and many newspapers chose to report and portray that war.

After checking with Barbara Tuchman, who wrote the book "Guns of August," which was an antiwar book, required reading for everyone in the Kennedy administration, I used to make the comparison between Vietnam and World War I with statements such as, "wars are usually lost and not won," and "War is hell," as Sherman said.

The only question is, Is there some reason for fighting a war in which the alternative to fighting it would be more hellish than the war itself?

Barbara Tuchman and I got into the question of the effects of television. In her book she agreed with me that in World War I the slaughter was really out of proportion to the issues. I think every prince in Europe today and every prince who was alive then would agree that this was one war in which the morality of the cause which was then espoused would not have justified that much destruction of human life and property. Other wars are in different categories.

Regarding World War I, suppose they had had television on the front lines during the initial stages of the war, when the Germans achieved their breakthrough in Belgium and came up along a line roughly adjoining Paris, with the rear of the French troops stationed against what was expected to be the center of the onslaught of the Germans. Suppose television had been on the scene to broadcast, watch that slaughter and portray it to the public in France and England. Would not the people of those two nations have objected so vociferously that the war would have been brought to a halt? She said, unquestionably.

Now Michener focuses on the same subject but selects a much better war with which to make this point because the Civil War was one that was worth the candle or the effort. I speak as a boy from Mobile, Ala. The institution of slavery, which was eliminated, was a much more abhorrent, harmful violation of human rights than was the war itself, which had the highest number of casualties per number of combatants engaged of any war recorded in U.S. history. Brother against brother, father against son, and so on. But it was a war worth the candle. It was better to eliminate slavery and fight the war.

There are other wars like that. I can't name all of them, but I can identify some of them. The Civil War was one.

Listen to what Michener had to say about the Civil War in his book "The Quality of Life":

> "Abraham Lincoln would not have been able to prosecute the Civil War to a successful conclusion had television been flooding the contemporary scene with daily pictures of the Northern Copperheads who opposed the war, of the draft riots that rocketed through Northern cities, and especially of the stark horror of Vicksburg.
>
> Sometime later in 1862, he would have been forced to capitulate, with the probability that slavery would have continued in the southern States until the early years of this century.

There is a lot of wisdom in what Michener has said.

Sooner or later, if there is any good will among the media, they are going to find that this rightwinger is not rightwing on every subject. I am in favor of a lot of neoconservative and neoliberal ideas that I have heard. I do not like to be labeled or placed into a little pigeonhole and I wish they had enough guts, each one of them, not to keep themselves placed there. Let us get out and talk the issues, direct, man to man and see where the truth is. We are capable of finding out truth. Let us talk.

Granted, where we have no agreement, except the agreement to disagree, we can skip the effort. But let us talk where we can exchange information based on fact.

You will have to indulge me. I did not do much talking yesterday. I asked questions, but today I wanted to say that because it is close to my heart.

I will ask both of you gentlemen to respond to this question for the record.

Would you tell us the experience you have had in the domestic security and intelligence area and the number of years that you have spent working in those areas? Let us start with Mr. Felt.

Mr. **Felt**. Well, let me go first.

Although my experience may be less than Mr. Miller's, during World War II, I was assigned to the domestic intelligence division of which he was the director during 1971, 1972, and 1973, so I got a little touch of it then. I have been in the Bureau, as you mentioned for 31 years, and during that time, my main connection, I would say during the early years was in connection with the loyalty program, the government loyalty program. I was the supervisor in Seattle for supervising the investigations conducted in that area in the loyalty of Government employees program and I think that was very important and it was an investigation of individuals, which is not permitted today.

During 1964, through 1971, I was the chief inspector of the FBI. I had the responsibility of inspecting the domestic intelligence division as well as operations of the FBI and every one of its field offices. So I was concerned about intelligence collection, both foreign and domestic, during that period, to see whether or not it was as effective as it could be.

I was responsible for allocating personnel back and forth and there never was enough, there never is.

During the last 2 years of my service, I was in the associate director's office and, of course, in that area, I was familiar with all the steps that went on. I was very directly involved, as I admitted, in connection with our efforts against the Weather Underground.

Mr. Miller.

Mr. **Miller**. My experience was about one-third of my entire service in the Bureau, about 8 years, and it encompassed everything from operating in an undercover capacity in foreign intelligence collection, to helping supervise both domestic and foreign intelligence at the Bureau level.

Senator **Denton**. I want you two gentlemen to know that I share your vulnerability to suits; rather similar to the one that you were involved in. I am still the object of a suit brought by a man, one of two out of 450, who comported himself in such a way that we chose to try to have him courtmartialed. He has brought suit against hundreds of us and the suit is still pending.

Are you familiar with the people who were the principal drafters of the Levi guidelines? If so, what experience did they bring to that task in the domestic intelligence and security field?

Mr. **Felt**. The only one with whom I am familiar is Mr. John Hotis, who was the Bureau representative. I believe you indicated earlier that he worked with Ms. Lawton, is it, from the Department? I do not know her.

Senator **Denton**. Mary Lawton.

Mr. **Felt**. I do not know her, but I do know John Hotis. He is a fine man, very great legal mind. I have great respect for him, but to the best of my knowledge, he had no experience in the intelligence-gathering field.

Senator **Denton**. Would you care to comment on that, sir?

Mr. MILLER. I have met Mary Lawton. I do not know Mary Lawton very well. I do know John Hotis and my comments regarding John would be comparable to Mark's. I do not know the other people who worked on the guidelines.

Senator DENTON. I do not want to misquote her, but Mary Lawton was candid and forthcoming yesterday in saying that the Levi guidelines were developed in a difficult time. They are now applying in a different time, in a different mood, in a different situation in general and she believes they require changes.

Mr. MILLER. That is correct.

Senator DENTON. It was remarkable that the hearing was recorded at all in the paper which you read every morning, the principal one, but it is recorded in other newspapers somewhat fully, and magazines.

Could some of the problems inherent in the guidelines result from drafting by those who did not have an appreciation for the realities of domestic security work?

You may have already answered that to the degree that you can.

Mr. MILLER. I think the major problem at the time was all of the other things that were going on and I think that they tried to create the situation outside the actual problem itself. Were it not for that, I do not think the Levi guidelines would ever have existed.

Senator DENTON. In your opening statement, Mr. Felt, you mentioned that the Levi guidelines are too restrictive.

Would you care to be specific, recognizing that you were not serving in the FBI after the promulgation of the guidelines. Can you be specific in the ways that you would have expected the guidelines to impair the FBI's ability to gather timely and accurate intelligence in the domestic security area?

You gave us some examples.

Mr. FELT. Yes.

This is a rather difficult question for me to answer, specifically because I have no access to the FBI. All I can go by is what I read in the newspapers, and things that Judge Webster comments on and this sort of thing.

I do know that, reading transcripts of testimony, that Bureau representatives have indicated that they cannot investigate certain domestic violence-oriented groups. I feel that the Bureau should be aware of what is going on.

We had a very serious situation here in Washington, D.C., a few years ago—the Hanafi takeover of the District Building and the B'nai B'rith headquarters, with one murder. The FBI and the local police knew nothing about it. They—the local police—had destroyed their intelligence files and they did not know about the Hanafis.

I think I know what testimony you are going to receive from a former Secret Service agent about the inability of the FBI to furnish the Secret Service with sufficient information to enable them to adequately prepare itineraries for the President in his travels. I understand that there are certain areas where they will not let him go. I understand they indicate that the quality and the quantity of FBI information and domestic intelligence has dwindled substantially but as to the specific changes, all I can say is that obviously the Bureau collection of domestic intelligence has almost dried up.

To quote Judge Webster, he says: "We are almost out of the domestic intelligence field."

Senator **Denton**. Yesterday, I submitted to Director Webster a question which I asked him to respond to in writing. It was to the effect that, noting that he believes that our domestic security investigations today are best understood if they are viewed as another form of criminal intelligence, and I asked him why there were not—why there was a double standard applied to them. In other words, are not they more free in terms of guidelines, regulations, or whatever, to approach the criminal intelligence activities than they are in the intelligence activities related to domestic security? Why should we have that kind of double standard?

Do you think that is a relevant question?

Mr. **Felt**. I think it is very relevant and I think that part of the problem is that criminal standards are being applied to the collection of domestic intelligence information and the two are entirely different.

In a criminal investigation, your basic purpose or your target is prosecution. You have to be sure that during the investigation, any evidence which is collected, anything which might possibly be used to lead toward evidence is obtained through standards which are—which will stand up in a criminal court; whereas, in the intelligence field, both domestic and foreign, your target is not necessarily—in fact, it is probably not criminal prosecution, so the same standards do not apply.

If, for example, you were to require a warrant for a serruptitious entry, the warrant has to be posted on the door or handed to the person occupying the premises and this is notice, of course, that they are under investigation. It would completely destroy it.

Under title III, if you have a wiretap, you have to notify the person who is the tapee, so to speak, of the fact that his wire has been—his telephone has been tapped and it would be ridiculous to write the Soviet Ambassador every 90 days and tell him that his phone was tapped. He knows it anyway.

Mr. **Miller**. I would think, if I may add to that, this is a well-argued point of closed- and open-end investigation, and as you indicated earlier, there are people on both sides of the issue, and both the people are very good people and they are very solid in the way that they think. Intelligence investigations are not necessarily directed for the purpose of prosecution. If, indeed, prosecutive material is developed during an intelligence investigation, then you prosecute or you consider prosecution.

If that does not occur, which it does not many times, even most time, then you merely store the information for the time that it may be of use.

A very good example of this collection of intelligence information is found in the so-called marches of today, which are not anything new.

You mentioned Lincoln. One of the big problems that Lincoln and Daniel Webster had was what they called a mobocratic rule. Here again you have got television helping this kind of rule and this kind of influence. The very purpose of all of these marches is what Lincoln was talking about, mobocratic rule. And fomenting or behind these mobocrats are the same old people who were doing this 10 and 15 years ago.

Now, in those instances, where the information has been destroyed, you have become a loser. This country has become a loser and these people are not going to stop. They will be doing this until they die and you are getting into second and third generations doing this kind of thing and, as you say, they feel that they are very right in what they are doing. I do not happen to believe that.

I think in general, we could, if the other side would agree, we could, on a bipartisan, if you want to talk left and right, I would love to see the left and the right get together and say, all right, let us put together something that is going to help sustain this Nation and get us past 2050 as old Michener is talking about and then we will worry, but we will fight about all these other things that we have to fight about.

In general, to get back to the Levi guidelines, as I read them, there is too much "Department" in the Levi guidelines. It is like a 24-year-old graduate of West Point, Annapolis, or law school having to have his mother and father go with him when he goes out for a walk after dark. Every time, virtually every line in the Levi guidelines is, do not do anything until you have clearance from the Department, and I think there is far too much "Department" in them. But here again, they were drafted at a time when the time called for a strong oversight on the part of somebody and since the Department was drafting them, they used themselves.

I am in favor of oversight, incidentally, and was one of the strong pushers of that in the Bureau at this very time that we were asking in 1972, asking the Department for some clarification and some guidelines.

Senator DENTON. Well, I will turn the questioning over to Senator East with the observation that we can go back a lot further than Lincoln or even before the time of Christ; we can go back to Plato.

Mr. MILLER. Of course.

Senator DENTON. Reading the Republic, you cannot find anything that would be more timely today than his analysis of the kinds of government and the kinds of men, the kinds of citizens required to produce the different kinds of government, going from the ideal to the chaotic. In the ideal, he found the ideal just man, whom he made the ruler. He was an aristocratic ruler and he had a citizenry composed of people who were trying to bring out in their actions the noblest endowments of what in our Constitution we would say was endowed by our Creator, the endowments of the nobility of the gods of his day. That he called an aristocracy.

His second best, again going back to the individuals, and then to the way they would get away from the noblest to the less noble, he came up with something called democracy which was pretty much the step down represented by Sparta and Crete at this time, and then to oligarchy, in a further deterioration of nobility, in which it was not just a government by the few, but namely the few rich.

Then the next and second to last step down was democracy which really is not our kind of democracy today, but the kind that you referred to in the mobocratic approach in which no one is really worrying about nobility any more. Let us get it quick; let us get it fast, and we do not care about nobility; let us be like animals. That kind of thing was the last step toward despotism which brings you to the guy who appeals to those special interests of greed and self-indulgence, the opposite of the just man, the despotic ruler.

I hope we are not stepping in that direction and further along in it, especially in the last 15 years, than we would hope to be.

Senator East.

Senator **East**. Could we have all the witnesses together?

Senator **Denton**. All right.

If the other two will come forward, Mr. Sizoo and Mr. Marquez.

Senator **East**. The other two can stay?

My thought was that we could hear from all four of you and then we could have maybe a little discussion.

Senator **Denton**. I accept that suggestion.

I want to advise Senator East that Mr. Sizoo and Mr. Marquez have opening statements. It is all right with you if they proceed to that?

Senator **East**. Fine.

Senator **Denton**. Then let me invite Mr. Sizoo to make his opening statement.

TESTIMONY OF JOSEPH A. SIZOO, PRESIDENT, SOCIETY OF FORMER SPECIAL AGENTS OF THE FBI

Mr. **Sizoo**. Mr. Chairman, Senator East, my statement is relatively short. I appreciate this opportunity to come before you to indicate some views concerning the Levi guidelines, which govern the circumstances when the FBI can undertake domestic security investigations. I am at this time the current president, Society of Former Special Agents. We have a membership somewhere in the vicinity of 8,000. Quite obviously, I have not consulted all 8,000 but I have discussed the general tenor of my remarks with the members of our board of directors and they are in substantial agreement with the basic idea of relaxation of the guidelines.

I retired from the FBI in 1972 and now have no access to information in FBI files. My conclusions, therefore, are based on such information as is available in the public press, magazines, et cetera. I might say, however, that since my retirement I have followed news reports closely and listened to television and radio with interest, especially concerning those matters dealing with activities which one might say fall in the general purview of this committee, as this was an area over which I had some responsibility while in the FBI.

The general character of the guidelines is restrictive in nature. Cases may be opened only under four specific categories. There are provisions limiting the amount of investigative time which may be used, limiting the use of informants and other investigative techniques, limiting the factors which may justify an investigation, et cetera. The restrictive character of the guidelines and the limitations and other somewhat detailed provisions involved in its use apparently have resulted in limited domestic security case openings and an attempt to handle violations of law as purely criminal rather than intelligence matters. This may have given rise to some of my observations which follow.

Certain incidents come to mind as having been the subject of press reports in the last few years which suggest to me that some of the groups involved in the incidents have not been as well covered by the FBI as the average American might well expect. One such instance is the shootout which took place about 2 years ago in Greensboro, N.C., between a well-armed Ku Klux Klan group and a leftwing group calling itself the Communist Workers Party, also said to have been well-armed, but apparently not as well-armed or not as adept in the use of firearms equipment as the KKK members. I have no way of knowing if the FBI had information concerning either of these groups, though press reports indicate the FBI furnished no information to local police.

The CWP had obtained a permit to march in Greensboro and made plans to do so. The Klan members stated they would also be on the scene, and at least implied they intended to attempt to disrupt the CWP march. Each charged the other with having fired the first shots. There is little doubt each was anticipating a gunfight, and some of the CWP members were hit and killed. The question, it seems to me, is whether or not the FBI, through informant or other coverage, had any information this kind of shooting incident might take place. From press accounts it apparently did not, and our judging the need for some type of coverage after the incident has taken place can well be regarded as Monday morning quarterbacking. The FBI has been asked to investigate to see if anyone's civil rights have been violated.

We are all somewhat familiar with the incident involving the attempted Brinks armored car robbery in Suffolk County, N.Y., to which Mr. Felt made reference. Three men were killed in the attempted robbery and its aftermath. We are also aware that this incident involved remnants of the Weather Underground, and an apparently previously unknown coalition called the May 19 Coalition, which included the Black Liberation Army, the FALN, and possibly others. It is reported that this was not a single or isolated armed robbery by this group, that there had been prior more successful ones in the past, and this is reported to have been their source of funds for their radical and terroristic activities. The FBI had at that time no investigative coverage of any kind on the WU or its associated groups, nor did it have any information the WU had been involved in this kind of armed robbery activity. The FBI also indicated the fugitive warrants for WU members previously indicted had been dropped, and this was true in spite of the longstanding commitment of the WU that its long-range goal was "the complete destruction of imperialism, the seizure of the means of production and the building of socialism." [The Prairie Fire, May 1974.] Furthermore, several of its members, including Kathy Boudin, had been indicted and were being sought as fugitives because of their involvement in several bombings admittedly committed by the WU.

There was the incident involving the kidnaping of Patty Hearst by the Symbionese Army, about which little if anything was known at that time. Also, reports have been made by responsible Secret Service officials that that Service no longer receives adequate domestic information concerning the activities of domestic security groups to properly plan the security of the President in several areas of the country. The press carried stories that John W. Hinckley at one time belonged to the National Socialist Party of America, which was apparently not being investigated by the FBI. At least no record, according to previous reports, was maintained as to his membership.

Other violence-oriented or terrorist groups are mentioned from time to time in such a way as to suggest they are not under any kind of scrutiny.

Thus, I am lead to the conviction that the present guidelines are too restrictive and some adjustments should be made. The application of a criminal standard to all domestic security situations, and that is almost what it amounts to, does not provide sufficient latitude.

I do not think the FBI should be asked to operate without guidelines, however, as it was required to do some years ago. Reasonable legislative guidelines or a charter should be established by the Congress, guidelines which would not be subject to change by every new administration, guidelines which will provide desirable guidance to the investigative agency, and protect the welfare of the Nation and the rights of all its citizens.

The named groups are mentioned only to illustrate a point; others might have been named, groups which are terroristic in character, others under varying degrees of foreign influence, and still others domestic, but which espouse the use of force and violence to accomplish their ends. And I do not mean to indicate that every group I have mentioned or other similar ones should necessarily have been or should now be under FBI investigation. Having no access to current information, I am not in a position to comment on specific cases in this connection. However, I do feel that the restrictive nature of the guidelines has limited FBI domestic security and intelligence coverage, has diminished the information which might have been available, and, had this not been the case, some persons might not have been killed. This is, of course, very speculative.

The matter of the guidelines and charters is not the only area about which many members of the Society of Former FBI Agents have concern. I think some steps need to be taken to stop the flow of information from FBI files under the provisions of the Freedom of Information Act. I also believe action should be taken by the Congress to pass S. 1775 and/or H.R. 24 to protect the Government employee from harassment suits over actions taken in good faith as a part of his Government employment. We have written to members of the Judiciary Committees of both Houses in this connection. I do think this is an urgent matter and should be passed on in this session of Congress if at all possible.

I thank you for your interest and concern in matters affecting the FBI, and for your giving me this time today.

I have just reread the article in the May 1981 issue of the Reader's Digest encaptioned "Network of Terror," and I am sure that many of you are familiar with it, and I have just read an article in the current issue of U.S. News & World Report captioned "In War on Terrorists, Some Victories But" which, among other things, notes that authorities in many countries, including the United States, are bracing for a new wave of terrorism again from the PLO. Let me quote a few sentences from this U.S. News & World Report issue.

> Most officials despair of ever developing truly effective and lasting measures to deal with them. . .

meaning the terrorists.

> Counter-terrorism in the United States is spearheaded by the FBI which over the past few years had put especially trained assault troops in all of its field offices. The FBI is clearly worried about what may be ahead, especially if the Palestinians target the United States. Broad planning is already under way for the 1984 Olympics in Los Angeles and for a possible World's Fair in New Orleans in 1984. There is heavy FBI presence in the World's Fair now being held in Knoxville.

I make reference to this in order to indicate the concern which apparently the FBI has at this time concerning its responsibilities in this area.

I do hope this committee will see that the FBI has necessary personnel, equipment and legal authority so that they can do the job which is apparently going to be a tough one facing the FBI. But included in this area of assistance to the FBI should be, if at all possible, the passage of S. 1775.

I thank you for your interest and concern in these matters affecting the FBI and for giving me this time today.

Senator **DENTON**. Thank you, Mr. Sizoo.

For your information it is my understanding that S. 1775 was referred to another subcommittee of the Judiciary Committee, the Agency Administration Subcommittee, I presume because the scope of the bill exceeded the FBI oversight which we exercise.

It is also my understanding that Senator Grassley is the chairman of that subcommittee and perhaps Senator East and I could get Senator Grassley to at least receive our input on that bill as it relates to the FBI. We will work on that.

Mr. **SIZOO**. Thank you.

Senator **DENTON**. Mr. Marquez.

TESTIMONY OF DARIO O. MARQUEZ, PRESIDENT, MVM, INC., AND FORMER SPECIAL AGENT, U.S. SECRET SERVICE

Mr. **MARQUEZ**. Chairman Denton, Senator East, while realizing that these hearings on domestic security and the effects of the Levi guidelines on domestic security have far-reaching implications, I have restricted my comments to the effects of the Levi guidelines on the protective mission entrusted to the U.S. Secret Service.

At a hearing of this committee on November 2, 1979, Senator Alan K. Simpson summarized the U.S. Secret Service's dependency on FBI intelligence gathering as follows:

> I think I see your role indeed as the most important customer of the FBI. You really must rely greatly upon the Bureau to furnish background information on various groups whose members may pose a threat to the life or safety of a President or a Presidential candidate.

Senator Simpson's words could not have been closer to the truth.

On February 5, 1982, I was a member of a panel discussion chaired by Senator East on domestic terrorism.[1] During that discussion, I was asked what effect current restrictions on domestic intelligence had on the Secret Service. The answer I gave then, I will repeat now.

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[1] The printed summary of that panel discussion appears in the appendix, p. 107.

The Secret Service is in a unique position in regard to intelligence. On the international front, they have, by virtue of their responsibility to protect the President, broad access to the intelligence community's product. In contrast, domestically, they are severely hampered in their ability to collect, evaluate, disseminate, and utilize information directly related to those who might threaten the life of the President.

During my years of personally coordinating numerous intelligence activities within Secret Service, I have observed firsthand the inadequacies of our criminal codes when attempting to deal with terrorism. While it is certainly true that terrorists commit criminal acts, the inverse is obviously not always valid. Therefore, the Levi guidelines seriously inhibit the ability of the law enforcement community to anticipate and head off these potentially catastrophic actions envisioned by certain radical elements. The events surrounding the attempted bombing of California State Senator Briggs' offices clearly support my contentions.

I was responsible for monitoring the activities of the Revolutionary Committee of the Weather Underground and the Praire Fire Organizing Committee in connection with the attempted bombing of State Senator Briggs' office. Fortunately for all concerned, the FBI had infiltrated two agents into the Revolutionary Committee approximately 4 years prior to the issuance of the Levi guidelines. Because of the information provided by those undercover agents, the planned bombing was prevented. Under the now current regulations, the FBI would be extremely limited in what it could do prior to the groups committing or threatening to commit a criminal act. This standard is totally unsatisfactory with regard to the protective mission of the Secret Service. This is all the more unfortunate when you consider that domestic terrorist groups have a history of telegraphing their intentions by publishing their views, goals, and occasionally their planned actions.

From the days of rage, the Weather Underground has advocated revolution through violence. This threat manifested itself with the Revolutionary Committee's attempted political bombing. After the saga of the SLA came to a close, it was disclosed that the group had surveiled the activities and the home of the California attorney general prior to selecting Patty Hearst as their victim. During the trial of 11 members of the FALN in Chicago, Freddie Mendez became a Government witness. As a result of his testimony, we learned that the FALN had considered attacks on politicians. Mendez also established the linkage between the FALN and such other groups as the Black Liberation Army, Macheteros, the Republic of New Africa, and PFOC splinter groups: May 19 Communist Organization and the New Movement in Solidarity.

One can draw two conclusions from this information:

One, although the names change, the players remain the same. Convicted members of the Revolutionary Committee of the Weather Underground are now active members of the New Movement in Solidarity with the Mexican and Puerto Rican Revolution and its affiliate group, the May 19 Communist Organization.

The arrest in New York following the Brink's robbery also established the linkage of various revolutionary groups and the old faces that keep reappearing in domestic terrorism.

Two, the propensity of these groups toward political violence remains undiminished.

Giving testimony before this committee on November 2, 1979, Secret Service Director H. Stuart Knight stated that the type of testimony provided by Mendez was the type of information necessary for the Service to perform its protective mission.

Responding to Senator Simpson's question as to the type of information required by the Service, and more importantly the type of information that the Service had received from the FBI in the past, Director Knight stated:

> Senator, we are saying that we would have known the structure of the organizations, who the leadership were, what the philosophies were.
>
> I think we now receive what might be called ofter action reports.

The current problem is that the Levi guidelines hinder the adequate protection of this country's leaders. The weakness in the guidelines is the threshold standard for opening a preliminary inquiry, limited investigation or full investigation. Advocacy of violence ought to be sufficient to initiate a preliminary inquiry, particularly when protectees of the Secret Service are the potential victims.

Senator DENTON. Excuse me, Mr. Marquez. I have been called to the telephone. I will be right back. Please continue.

Mr. MARQUEZ. Protection to be effective must be preventive and not reactive. Good intelligence has always been the first perimeter of defense in the protection business. The Levi guidelines are a reactive approach to gathering intelligence. Thus, the agency which has been charged with providing the information necessary to adequately protect our leaders has been effectively removed from the intelligence business. As Senator East summarized it:

> In short, the FBI cannot look at the general tone and character of an organization and its membership, look at its rhetoric, look at its initial activities, and conclude that it seems to have a potential for evolving into a violence prone individual or group.

History argues that political groups, regardless of their ideological persuasion, have not posed as grave a threat to the American politician as does the lone assassin. Historical precedent is not, however, binding on the future. Yesterday's events in Europe historically become the models for tomorrow's events here. The following extracts from the sections on civil disorders and public demonstration clearly illustrate the extent to which we have shackled the forces tasked with defending our national leaders, and I quote:

> 1. The FBI shall not undertake investigations to collect information relating to actual or threatened civil disorders except upon specific request of the Attorney General.
>
> 2. The FBI shall not undertake investigations to collect information with respect to such demonstration except upon specific request of the Attorney General.
>
> 3. The FBI shall not undertake to photograph any demonstration or the preparation thereof in carrying out its responsibilities under paragraph I. [The same applies to civil disorders.]
>
> 4. Information acquired or collected may not be indexed in a manner which permits retrieval of information by reference to a specific individual unless the individual himself is the subject of an authorized law enforcement investigation.

On November 2, 1979, John Hotis, Special Assistant to the Director of FBI, testified before this committee saying:

> We know from experience that many militant political groups operate on the edge of violence. There is always the risk that one or more of the members may decide that the time is right for violent activities.
>
> That is a risk, but we think it is an acceptable risk in terms of the FBI's responsibilities. We certainly cannot comment as to whether it is an acceptable risk in terms of the Secret Service needs because their needs are unique and peculiar to the Secret Service. They have statutory obligations that focus on the protection of particular individuals; our responsibilities are broader with regard to the internal security.
>
> It may well be that what will be an acceptable level of risk for the Bureau's investigations may not be for the Secret Service.
>
> We fully recognize that we urge this committee to view that area and make the policy judgments that we feel are more appropriately made by the Congress rather than the Bureau.

Gentlemen, we live in the shadow of an assassination attempt on our President. The problems faced by this committee and the U.S. Secret Service are real and crucial. The shots fired by this would-be assassin were not hypothetical, yet the solutions we seek evade us because of arguments dealing with hypothetical circumstances.

Under the current guidelines, the FBI and the U.S. Secret Service cannot perform the most rudimentary surveillance. Yet the first question legitimately asked after each attempted assassination is why didn't the FBI and Secret Service uncover the danger before the attempt was made.

The problem of locating the lone assassin is difficult, but not necessarily impossible. After the assassination attempt on Presidential candidate Gov. George Wallace, it was learned that Arthur Bremer had stalked President Nixon but determined that security precautions around the President were too strong. Thus Bremer, by his own admission, decided to make his attempt on a softer target. Bremer, like Hinckley, learned of his target's planned itinerary and sat in waiting for his victim.

I am convinced that if we who are present today were charged with drafting guidelines affecting Presidential security, as the Levi guidelines do, the product of our deliberations would differ in intent, substance, and net effect. I implore this committee to examine these existing guidelines, examine their rationale, examine their actual effect, then draft new guidelines that protect the innocent while unshackling the forces of law in pursuit of the guilty.

Thank you very much.

STATEMENT OF SENATOR JOHN P. EAST

Senator East. Thank you, Mr. Marquez.

I would like to thank all of you gentlemen for coming and giving your time and your valuable comments and testimony. I welcome you all, of course; Mr. Sizoo, in particular, we welcome you, being from North Carolina. And we appreciate your coming up and being with us as president of the Society of Former Special Agents of the FBI, which I greatly respect as an organization, and I know it has been very active in my State. I am delighted to see that its president currently resides there.

I would like to make just several preliminary remarks and try to pull some loose ends together here and get the comments of you gentlemen either collectively or individually.

First, I think Senator Denton and his staff here are to be commended for holding a series of hearings which have established, in my judgment, beyond any question that we do face in the United States and in many parts of the world a very serious challenge from an armed ideology, from revolutionary-driven groups that, however diverse they may be, share a common commitment, which I think is clear in their rhetoric and their actions; namely, the destruction of the free society, the open society. It makes it difficult to cope with enemies of that kind in a free and open society because they can take advantage of freedom to destroy freedom.

We certainly would not want to have the kind of society that they have in the Soviet Union nor Cuba nor Vietnam today. But they do enjoy the luxury, if that is the right word, of not having to worry about these problems. So we have a very delicate problem here of facing what I think is clearly a genuine threat of preserving the essentials and the fundamentals of the free and open society, which of course we all want to do but yet at the same time try to have a sense of realism and commonsense that we need to know what is occurring. And to have the tools to deal with it in a reasonable and prudent and fair way.

I think it is one thing that has come out of the discussion yesterday and today, and you gentlemen, it seems to me, are saying the same thing, our problem is not really so much fundamentally one of dealing with criminal conduct, although that can be the ultimate end of our inquiry and pursuit, but really it is an intelligence problem of having intelligence on groups, individuals, and activities who are clearly inclined to move into the orbit of violence and terror in order to serve their ideological ends, and we need a steady flow of information on that. The FBI, domestically, is the obvious entity to provide it. The CIA is expected to handle foreign intelligence, and there really is not any other entity that can do it. And if the FBI is precluded from doing it for whatever reasons—we have been focusing here upon the Levi guidelines—I think we do a foolish thing. We simply impair the ability of this country to gather information from groups and individuals who clearly, by rhetoric and action or combinations thereof, are intent on destroying it. And I was noting yesterday, certainly the minimum responsibility of government of any kind is to protect its citizenry from that kind of threat. We ought to be able to do it, I think we can do it.

Now, I was encouraged that on this matter of trying to increase the flow of information, I guess is what we are talking about, you at some point have to focus on particulars, the things that we might try to do. We have been focusing here in these hearings on the guidelines, the so-called Levi guidelines and at least among you gentlemen, and I know Senator Denton and I share your perspective, we need modifications there. They are barriers, they are negatives. They do restrict a reasonable and prudent flow of information. We have the Hinckley case as the most dramatic at the moment, even the Secret Service Treasury Department report indicates that their flow of information has been cut by 60 percent since the Levi guidelines went into operation. There is no guarantee, of course, that that would have meant that they would have known about Hinckley, but it would up the odds, and that is what I would like to do, up the odds. But they might know about the Hinckleys so that we might deal with that sort of thing, have a little preventive medicine.

We do not have to wait until people are actually assaulted, shot, or whatever. It seems to be the common sense of it and I do not know if anybody is debating the point, really. But if the guidelines are restrictive—and to me the evidence is compelling, they are, this criminal predicate problem, again at odds with the intelligence gathering problem, I think the evidence is overwhelming and compelling.

The professional testimony is there, you gentlemen have added to it.

I was comforted yesterday to see that the Director of the FBI, Judge Webster, said they are actively under review. They anticipate some sort of revisions within a month. He said weeks and thought within a month that would be done. I at least would be pleased, he did not necessarily indicate that he enjoyed universal praise but he thought that I would be pleased. So, I thought at least that sounded good and positive, that there would be modifications in the Levi guidelines to permit more effective intelligence gathering. So, that was progress, I think, we have made in these hearings over the past day or two.

Now, I would like to move into some other specifics that you gentlemen have already alluded to, since there seems to be a general agreement on the guidelines problem, perhaps within the limited time that we all work, we will let that one rest for the moment or at least for the purposes of the balance of this hearing, this series of hearings yesterday and today.

Mr. Felt and Mr. Sizoo, you both mentioned that you thought a charter would be a good idea. I just want to check off here briefly some other specifics that I have heard, besides the guidelines modifications.

Also, Mr. Sizoo, I think you alluded to changes in the Freedom of Information Act that would be valuable here. Things that we might do other than the guidelines to get the FBI into the business of gathering domestic intelligence.

You also mentioned the amendments to the Federal Torts Claims Act. I think that is, Joel, what you were commenting upon is already before Senator Grassley's subcommittee.

First, I would like to offer them, Joel, if it would seem appropriate, and I am sure Senator Denton would agree, that even after these hearings if these gentlemen could submit to us specifics of things that we might pursue in a legislative way that would help, concretes, we will pursue them and see what can be done. Sometimes you can do something, sometimes you cannot, but we ought to pursue it.

We talked generally about the problem and the need to deal with it and now we need to get down to specifics. One, we have with the guidelines, so these changes in Freedom of Information Act, I would like to hear more about the particulars there that you have in mind and, of course, we can certainly see what Senator Grassley and his subcommittee have to say about the amendments to the Federal Torts Claims Act.

So, either today or subsequently, if you have specifics, I think to encourage a steady flow of information and communication with you and with others would be very valuable to us in pursuit of this goal, of a more effective FBI and their intelligence gathering.

I would like to get back for a moment to the charters, since two of you mentioned it. The idea of a charter, Mr. Felt and Mr. Sizoo, you think that is a good idea. Why?

Mr. FELT. I think that the Congress should tell the FBI what it wants the FBI to do in broad terms. In fact, you could even have terms as broad as just protection of the domestic tranquility.

Of course, I realize that that is not nearly enough. But I think that the specific guidelines themselves, the do's and don'ts should not be a legislative matter but should be a matter for the Attorney General to decide. In other words, what the FBI needs is some broad guidelines in the form of a charter rather than in specific do's and don'ts which now exist in the Levi guidelines.

Agents would feel much more comfortable with a mandate from the Congress than they would with a direction from the Attorney General, because the Attorney General is not going to be there forever, whereas the legislation will be until the Congress sees fit to change it. That is exactly what happened to Mr. Miller and me. We were operating under internal guidelines, known to the Attorney Generals, in 1972 and 1973. And yet, in 1976, it changed so that what Mr. Miller and I did was allegedly wrong. I think this sort of worry is what is the problem in connection with Mr. Webster's remark that he is having difficulty getting the personnel to live up to the guidelines. In other words, they are a little hesitant. They need some reassurance from Congress as to what their goal is, and what you want them to do. I know that the FBI will do whatever Congress instructs it to do.

Senator EAST. So as you envision this charter, it would be, maybe somewhat like the Constitution, somewhat general in defining these areas.

As far as getting down then to the particulars for example, like guidelines, the Levi guidelines, of particular statements of do's and don'ts, your point is, those would still be done as an internal matter within the Department of Justice?

Mr. FELT. That is pretty much the way that——

Senator EAST. And the Federal Bureau of Investigation, that is these would still be done as an internal matter, of course, with guidance?

Mr. FELT. With oversight.

Senator EAST. Yes, but the charter then is really not a substitute for the guidelines, nor ought it attempt to provide the specifics of guidelines, but set general parameters.

Mr. FELT. That is right.

Senator EAST. For FBI activity. You mean generally all FBI activity or were you thinking particularly of domestic intelligence activity?

Mr. FELT. I am thinking of domestic intelligence activity.

Mr. SIZOO. Just in the domestic intelligence area.

Senator EAST. Just in this area.

Mr. SIZOO. Just in this area.

Mr. MILLER. That is the hardest problem and it has always been. The foreign intelligence has not been a problem. The criminal investigations have not been a problem.

Primarily the domestic intelligence area, that is the problem.

Senator EAST. What form—all right. So there would be somewhat general statements of principle; not to put you on the spot in terms of precise phraseology, but say, for example, defining the purpose and scope and power of domestic intelligence gathering, what form might it take if you were just on the spur of the moment? What might it say, for example? Not to hold you to those words, but if that is to——

Mr. FELT. I would hate to set up what I thought the charter ought to be just off the top of my head. I would want to think about that.

Senator EAST. Right. I can appreciate that.

Mr. FELT. To think about it quite a long time.

But I do feel, looking at it from a pragmatic point of view, that it is going to be impossible to secure the passage through both Houses of Congress of specific do's and don'ts. I think you would have a hard time getting the Levi guidelines in their current form through Congress, because there are going to be so many arguments about this language and that language and, for this reason, I feel that the charter in general terms would be better.

Furthermore, if, after the charter or the guidelines are enacted by Congress, it appears that there is a mistake or that there is something lacking or that something goes too far, then you must have another act of Congress to change that law; whereas, under the general theory of a charter, the Attorney General could do that administratively, subject to approval of the oversight committee. It would be a much more flexible way of operation.

But I do not have specific language of a charter in mind.

Mr. SIZOO. I think there is one thing that needs to be incorporated into the idea of the charter and that is a more positive attitude of what the FBI ought to be doing than the limiting aspects that seem to play such an important part in the guidelines.

Senator EAST. Maybe something defining the responsibility and the obligation on the part of the FBI to——

Mr. SIZOO. To gather information.

Senator EAST. For the gathering of information and data on individuals or groups, maintaining some sort of flow of useful information, having the power to act, or they have reason to believe that investigation might produce useful evidence on individuals or groups that would be prone to certain kinds of activity, which is obviously contrary to the internal security and the well-being of the United States, something like that you are talking about?

Mr. SIZOO. Right.

Mr. FELT. In connection with criminal cases, the criminal law describes bank robbery; for example, and to rob a federally insured bank is a violation of Federal law. Well, that is about all the FBI needs in that area.

But generally speaking, in the intelligence field, you need something more than that. You need an instruction for the FBI to be in a position to prevent massacres, to prevent acts of violence from occurring, and I referred to one in my testimony what we were able to prevent by true intelligence gathering. That involved the planting of bombs in New York City, three bombs in the trunk compartments of three rented automobiles, parked throughout the city in areas that were going to be very congested about the time the bombs would go off.

We were able to prevent that and with the excellent help of the New York City Police Department, those cars were located. The bomb experts in the New York City Police Department took one of those bombs out to the extreme tip of Long Island and detonated it and the result was just absolutely shocking. They had not only dynamite but cans of gasoline and kerosene in the backs of those cars, and the result of the bombs was a fireball where the radius was probably 100 yards, and we are talking about 200 yards in diameter.

If one of those had gone off outside of Grand Central Station, you would have 6,000 or 7,000 casualties. That should be prevented. It is a crime. You could investigate it after it happens, but that sort of thing should be prevented. And it was prevented.

Mr. **Miller**. Senator East, Mr. Felt mentioned in his remarks, to begin with, that in 1972 we drafted, we asked the Department for guidelines, pointing out certain situations that made it apparent to us that we ought to get together and kick this problem around in the domestic security field. Now that was 10 years ago.

Our recommendations did not get over to the Department until 1973, in August 1973. However, along with our memorandum to the then Attorney General, we included a recommended Presidential directive which Mr. Lisker has a copy of, and I think that that recommended Presidential directive may have some wisdom in it that may be helpful in the preparation of a charter.

Now, it was proposed at that time as an executive piece of machinery. However, it is general in scope and I think at least at the time we worked pretty hard on trying to do a good job with it, and it may be useful in preparing this kind of a general charter. Marching orders for the FBI.

Senator **East**. I gather you are both, or perhaps all of you, are more committed to the idea of a congressionally drafted charter than, say, a departmentally drafted one.

Mr. **Miller**. I think the turn of events since, in the last 10 years, has at least--they have spoken to me in a way that Congress should be doing this kind of a job. I think the courts are looking for it; I think the FBI agents are looking for it.

For example, in my experience, hardly a day that I went to work, when I was in the Intelligence Division, that I was not dealing with some kind of a wiretap problem until the Congress in 1977—now, I mean wiretap problem; I mean people, for one reason or another, political and otherwise, asking how many wiretaps does the FBI have in place and so on and so forth.

Now, until 1977 when the wiretap legislation was passed, that was an every-day situation. The implication was that the FBI was wiretapping everybody under the sun, a fact which was absolutely not true. But once the legislation was passed and Congress set the standard, which the FBI wanted, we wanted that kind of a situation, so that we would not have to be fighting off all of these so-called allegations, once Conqress passed that legislation, the problem was resolved and we just—we never hear of the problem any more because Congress now has put the Court into the wiretap situation.

So that is the kind of a thing that I think that is necessary.

Senator EAST. Do you think then beyond, beyond these guidelines, the Levi guideline problem which we have been discussing, which has been the primary focus of these hearings, beyond that, do you feel that the single biggest thing, if you had a hierarchy of ratings, specifics, legislatively that we might do, that a charter would—or maybe you do not want to quite rate them, you mentioned these other things, Freedom of Information amendments, maybe you are saying all of these things in their own way are needed but you give a pretty high priority to the charter, it seems to me.

Mr. SIZOO. Yes.

Senator EAST. That is a pretty high priority item.

Mr. MILLER. There are two other items which are in the wiretap area that also have, I think, to people in the intelligence business, when you are endeavoring to gather hard intelligence, meaning you are trying to—one of the basic ways to gather intelligence is to penetrate the other fellow's communications.

When you are endeavoring to penetrate communications, there are certain ways of doing it or gathering hard intelligence.

Four basic ways to gather intelligence, whether it is in this country or any other country, and one of them is the wiretap, one of them is the microphone. Another one is the—what we call the surreptitious entry and another one is called the covert mail cover.

Now, since 1934, and beginning in 1934, after the passage of legislation, the Communications Act, wiretaps and microphones immediately became a problem to the FBI until mechanisms were set up to handle that kind of situation. That problem existed until about 1977, really, until it was solved by Congress, by passing legislation.

In these other investigative techniques which, as Mr. Felt said, the problem and the question was asked so many times in intelligence collection, why the surreptitious entry, why the entry without a magistrate's warrant? The reason for the necessity for an entry without a magistrate's warrant is that you have to divulge to the foreign person or whoever, or domestic person whom you suspect of doing something inimical to the best interests of the country, you have to divulge to him the fact that the entry has been made.

I would think that in order to put—to complete the cycle of the microphone and wiretap legislation, that consideration by Congress should be given to what I call the Executive warrant; meaning that a magistrate issues it, but the fact that the warrant has been issued is not divulged. That fact is kept on, in an executive capacity. It is not divulged until such time as it is absolutely necessary or perhaps never. Since you are not using the information for collecting evidence for prosecution, you are using it simply for intelligence, I think that that can be done and I think that that is something that should be studied.

I think it is something that is going to take quite a bit of intestinal fortitude to get into, particularly from a political standpoint, but it has been done with microphones and wiretaps which indeed are far more pervasive than the other kinds of techniques and I think the picture should be rounded out there.

[Senator Denton returned to the hearing.]

Senator EAST. Well, I appreciate your thoughts on this.

Senator Denton, I want to mention to you that while you were gone——

Senator DENTON. I do not like to say the White House called, but that is what happened.

Senator EAST. Well, we struggled along without you anyway.

Now, my thought on it was, and I will let you pick up your line of—your train of thought on this—but we, it occurs to me, were in general agreement here on this question of the guidelines and they are restrictive and we were encouraged that the Department of Justice has promised some early date for proposing some modifications and it has indicated that they would put the FBI back more in a positive direction as far as intelligence gathering which I know is of primary concern to you and me.

I was then inviting them, on a continuing basis, to submit specific things to us that we might pursue that would help continue to shore up the FBI's role in this whole area of dealing with what we agree is a genuine concern and giving them the tools to do their work.

I had noted they mentioned the changes in the Freedom of Information Act, the Federal Tort Claims Act, amendments to that; but pursuant to that, this charter idea that was very important, a congressional charter that would define generally the parameters of responsibility and doing it in a positive way, that they have an obligation to do these things and then internally the Department of Justice and the FBI could work out guidelines with some obvious oversight capacity on the part of the Congress and I am encouraged to hear from them.

They feel that there are specific legislative routes that we might pursue and I think this charter idea is an intriguing one, a very important one, and I would hope that we could pursue that over the near term and longer term; maybe you gentlemen have greater confidence in the capacity of Congress to do this sort of thing than I do, but I think you are right, why not? They do other things with varying degress of success and this ought not to be impossible to do, and if it makes for a more effective FBI and would instill greater confidence in the agents as to knowing what they can do and cannot do, the charter, coupled with more positive guidelines within the FBI, the Department of Justice, would allow the FBI to get back into the intelligence field in terms of domestic security, intelligence investigations.

So, I feel the hearings yesterday and today, because I know our time runs out on us, at least as I see it, Senator Denton, have been very useful. I simply have gotten some positive suggestions. I hope we can get more from these gentlemen and from others and pursue them and I commend you for holding the hearings.

Senator DENTON. Thank you, Senator East, and I share your interest in that particular matter of the charter. It was brought up yesterday.

Senator EAST. Excuse me for interrupting.

This charter, too, that they were talking about would deal just specifically with the domestic intelligence field. We would not try to expand it into such a grandiose document that we would never get out of that jungle, but the most acute problems in the domestic intelligence field, and a charter perhaps dealing with that.

Senator **Denton**. Yes. That is what Mr. Felt——

Senator **East**. Maybe it would be easier for us.

Senator **Denton**. Yes. Mr. Felt's recommendation is Congress should enact a charter for the FBI describing its jurisdiction in the domestic security field. He further hopes the Attorney General would be the sole authority under which this thing was placed, since he conducts investigations and disseminates the results; how that is done should be under the authority of the Attorney General, and then he would be empowered by the charter to issue guidelines which would be submitted to FBI oversight committees of the Senate and House for concurrence.

I totally concur with you. We will pursue that.

I would now like to ask Mr. Marquez a question because he brought up an area which was, I think, incompletely covered yesterday, and that relates to the work of the FBI, the limitations on it and the use of its resources to keep track of the John Hinckleys in the country.

Yesterday—I do not want to misstate what Director Webster said, but I gathered that it would not be unfair to characterize his statement as saying that as soon as the FBI found out someone was deranged, they pretty much figured that he would be taken care of in some kind of an institution and that they were not that interested in that type of individual because it would be a waste of FBI resources.

I do not want to presume on his expertise and I do not want to, as I say, misquote or take out of context what he said, but I do want to pursue with Mr. Marquez that subject. It occurs to me that Leon Czolqosz, the assassin of President McKinley; Charles Guiteau, the assassin of President Garfield; and other assassins such as Sirhan Sirhan, Arthur Bremer, and Lynette Alice Fromm, all appeared to be mentally deranged. Thus, I would hardly consider that a disqualification for escaping whatever continuous coverage the FBI could undertake either under the present Levi guidelines or under the new guidelines that will hopefully be promulgated.

What do you have to say about that, Mr. Marquez? I think that you could make a case under present law that just about anybody that would try to shoot the President would be nuts.

Why should that be considered any kind of disqualification for the investigation or monitoring of such individuals?

Mr. **Marquez**. I would answer that question by paraphrasing Senator East's statement at the February 5, 1982, panel discussion, which he chaired. Senator East stated that part of the problem we are facing is that we do not understand the terrorist mentality and what the mentality is of those who advocate revolution. What we in this country attempt to do is apply our standards to these groups and individuals.

History will prove that the mentally deranged person has been the biggest source of threat to an American President or politican, without question. From the assassination attempt on President

Jackson all the way through Hinckley, there are differing sides on this argument, but we will find that there is a strong case to indicate that the mentally ill person is a real problem to an American President. Mental illness is often overlooked because these individuals tend to associate themselves prior to committing an act with a particular group. But it goes on through history, with Booth, with Oswald, and now with Hinckley, that the common thread is mental illness.

These are real dangers to the President, and if one area of the Secret Service is very strong, and I would like to reinforce this, it is their strength in this area. The service take these individuals very, very seriously.

An individual that establishes disparate patterns is one that the Secret Service will pursue on its own and attempt to locate and identify. There is always a problem with this. The Secret Service is limited in this, as you are, I am sure, very aware. The Secret Service can interview these people but can do very little with them. In most jurisdictions, local jurisdictions, the local police have the authority for a 72-hour commitment where they can have an evaluation made of these individuals. The Secret Service cannot do this in most cases unless that particular State gives the Secret Service peace officer status.

The Federal Government charges the Secret Service with interviewing and making a determination but does not give the Secret Service the tools with which to do this. And really, in many cases, we would go out and interview these people, and be totally dependent on the local police, asking for their assistance in having these people psychiatrically evaluated.

Without question, the mentally ill person has been the biggest threat.

I would like to move on to another question, intelligence.

Unfortunately, what we have done in this country, and it is not by plan, but by circumstance, is that we have taken the problem of protection and divided it into two areas. We have assigned the Secret Service the responsibility of physically protecting an individual, but the intelligence which one needs to do that is assigned to another agency. Although the Secret Service and the FBI continuously shower praise and admiration on each other, what actually exists is a romance that is at best at arms distance.

In many cases the best intelligence is coming to the Secret Service from close association and working relationship with local police. The best source of information for the Secret Service when I was an agent, and I am sure it is still true today, because of the Levi guidelines, was the relationships that we were able to establish with big police departments. We know of the Weather Underground, not because of the FBI, but because of the Los Angeles Police Department. We knew of the FALN not because of the FBI but because of the New York City Police Department.

The problem, as I see it, is what happened in this case. We are establishing guidelines which affect directly, as Director Knight said in 1979, and it is true today, the protective responsibility of the Service. Now we are going to establish, this committee is going to make recommendations; the Justice Department is going to establish guidelines, but where is the input from the Secret Service?

The result of those guidelines are a direct effect on the Secret Service.

The Secret Service adheres to the Levi guidelines.

In 1976, when I was an agent in Los Angeles, we were unable to surveil group demonstrations. The particular problem we were having at that time was the Iranian students who, during the time I served in Los Angeles, attempted to burn down the Beverly Hill's home of the Shah's sister. The result was a confrontation with the Los Angeles County Sheriff's office. We are not able—able any longer to at least try to identify who the persons were who posed these problems. This is a real problem, gentlemen, when you get into protection, because then we cannot identify individuals who may be in a certain situation that by their past activities would give us an indication as to future actions.

I think, Senator East, to address your question as to what I would recommend, it seems strange to me that representatives of the Secret Service are not here today. It seems even stranger to me that the Secret Service has no input or very little input. I know there is cooperation but I am talking about realistic, working input into the guidelines because they are charged with the responsibility of protection, but the responsibility is shared with the FBI.

I think what occurs is that both agencies are working but do not perceive each other's problems.

Senator DENTON. The very question of mentality has been discussed in great detail by leftwing people. Claire Sterling still considers herself a leftwinger. She was a Communist in college. She did what I considered a remarkable piece called "The Terror Network." In our first hearing last year, we drew out a great many facts, very few of which were reported in the press, on that very subject. The lust for blood, her book starts that way, about a young woman who, from privileged background, developed a propensity for rebelling against parents, establishment and so forth, this whole topic was developed by her in our hearing but not reported. Our people are not therefore made aware of it.

We can do a lot of things in our subcommittee hearings here, but if the ladies and gentlemen of the media do not choose to present or report it, it does not become part of that which is considered news or part of the information by which the people make decisions.

We had the press and media of the world referring to a guy named Aqca, who shot the Pope, as a rightwing terrorist. He is still referred to that way.

It seemed to be unnewsworthy that for the 8 weeks prior to the assassination attempt, he went to Bulgaria where he was known to be a terrorist and where he allegedly obtained a weapon for the shooting. This was not news. I cannot understand why that is not news. It was not reported as news. It was not on any of the television programs. I ask what kind of balanced reporting that is.

I know that you four gentlemen know what kind of effect that has on the way the laws are developed and the way the issues are looked at here. If the public is misinformed or the issues are distorted, we are going to have rotten laws.

One other point. Look at what the wealthy Feltrinelli was able to do in Italy over a period of time. Look at the major examples in the last few years of penetrations of securities—security systems of nations, for political purposes, such as the Munich massacre, that which has been done in Turkey, in Italy, the mosque incident in Mecca, the U.S. Embassy in Libya, the seizure of our Embassy in Iran, the Entebbe raid in the sense that it was a triumph over the security of a given nation. How much easier would it be to do any of those things in the United States? We have such an open society, such a concentration on the rights of the criminal rather than on the rights of the law-abiding citizens who desire to live peacably, honestly, and secure in this Nation.

I just cannot understand the trend and I know you all cannot either.

It has been stated that the FBI presently receives domestic security intelligence as a byproduct of criminal investigations.

Is there any difference in the quality or timeliness of the two sources of intelligence?

Will domestic security intelligence be utilized in a timely and proper fashion where it is being recognized and transmitted by an agent whose primary training and concern is for the criminal aspects, and not for domestic security aspects?

Is timeliness a factor in intelligence?

If an agent working white-collar crime develops some domestic intelligence incidental to his investigation, how is this information handled—how does it get to the agent handling domestic intelligence in a timely way?

Any responses you might have on these questions?

Mr. **Felt**. I think with regard to what you just said, we have to put criminal investigations and intelligence investigations into two separate categories. They are not comparable.

From the standpoint of timeliness—you mentioned this is one of the questions—the information about a crime, comes after the fact. But the information about the planting of a bomb in New York City has to come before the fact. Intelligence gathering and criminal investigations must continue to be two separate operations.

I do not agree that they could be combined.

Mr. **Marquez**. I would also agree with this and this is from a Secret Service point of view, my biggest fear is to have criminal interpretation of intelligence, what we have right now is an agent, an FBI agent who is attempting to make a criminal case or using that as a means of investigating a group, then deciding whether this information has at this particular time any bearing on anyone that the Secret Service protects or has a responsibility in.

I find this to be a very, very difficult and very serious problem.

Senator **Denton**. Senator East, do you have any further questions?

Senator **East**. No. I regret, Mr. Chairman, I am going to have to leave.

I would like to thank you again and these gentlemen for coming. It occurs to me that the specifics we heard this morning, again, beyond the guidelines modification which is now in hand, now in the hands of the Justice Department, I think this idea of a charter, dealing with domestic security matters, with positive focus on intelligence gathering, I think every bit of the testimony here this morning points very heavily to that as a genuine need.

I hope that, it would seem after further exploration, it would be a goal that we ought to pursue. I would hope that we could pursue it.

I think, for example, of the intelligence identities protection bill which we recently signed into law, it took a lot of pulling and pushing to get it into law, but we did get it there. That is a legislative contribution dealing with this matter of CIA; what is comparable here is the need for some sort of legislative direction to shore up that which we agree on. We need the FBI to get back into or to resume, however we wish to define it, effective intelligence gathering for purposes of protecting the President or protecting society as a whole.

I think we have had some good thoughts on where we might go and I would hope that the committee at least might pursue these avenues and other specific ones that these gentlemen and others might offer to us, to see if we could get our good friends in the Senate to go along with us, and that is always easier said than done.

Nothing ventured and nothing gained. The intelligence bill I would offer as exhibit A.

Senator DENTON. I would emphasize to the four witnesses and to the people within the range of my voice how important the points made by Senator East are, getting our colleagues to go along with almost anything in this field, and I want to make reference to one specific point.

I had to read myself into terrorism and national security, because previously my whole field was overt war, ambiguous aggression, yes, subversion, yes, but I never worked in this part of the spectrum. I have worked my way into it somewhat. I found myself, after considering what I learned in a number of hearings and from a lot of reading, aware of a number of individuals who were prime actors in international terrorism. I attended a hearing in the Foreign Relations Committee which was almost—well, it was crowded, most of the members were there and the name Carlos came up, having been mentioned by one of the speakers from the CIA. A member who could be a primary candidate for even higher office in the United States, a member of that committee, raised his hand and said, "Who is Carlos?" Not one man in that room, other than myself, had ever heard of Carlos. Now, that is the Foreign Relations Committee. They read newspapers. Well, even if they read the newspapers, they ought to know about it; that is the thing we are up against.

Senator EAST. I think that the Hinckley case, not to base it on one case, but sometimes we need a dramatic thing to get people to focus on something; out of the Hinckley case we are focusing on the insanity plea, and that is good. I think that the Hinckley case, because of what the Treasury Department said, and you have said, gets us to focus upon this data and the intelligence gathering dimension. It could, I feel, give us a focus for our colleagues, that here is an example, that if you do not have a charter, if you do not have modifications in the guidelines, if you do not do this and that, you are not going to get these things done.

The intelligence identities bill, the Agee case brought that to focus. Agents getting shot, and it is appalling to Members of Congress; we need to deal with. I hate to see a Hinckley case until you give serious thought and focus on things, but sometimes in the real world of politics that is the way things work.

I would offer as exhibit A, as to why we ought to help the FBI on intelligence gathering, I would say No. 1 is the Hinckley case. It shows that we did not have the information, we might have known that he was in the Nazi Party for one; we could not know that under the guidelines, we did not have any information on the general activities of Hinckley at all and it was acknowledged by the Secret Service that under the guidelines they just did not get that flow of information from the FBI. So sometimes out of tragedy we get pointed in the right legislative direction.

I would hope that we could get our colleagues interested in this case as well as other less undramatic cases.

Senator DENTON. Senator, perhaps we could use as one starting point the comments which the FBI are about to make to the Justice Department on the adequacy of the guidelines and then move from there to pursue the development of the charter.

Senator EAST. Yes; because they go together, as we were saying.

Senator DENTON. Well, let me thank Mr. Miller, Mr. Sizoo, Mr. Felt, and Mr. Marquez for their outstanding testimony today. I ask that if you receive any additional questions from us, that you have replies back within 10 days.

There has been reference made to the panel discussion entitled "Law Makers and Law Enforcers Discuss Domestic Terrorism," which appears in vol. VII, No. I, spring 1982, International Security Review. Without objection, it will be included in the record.

[The document appears in the appendix to this hearing.]

Senator DENTON. I want to thank you all for your attendance and responses here today.

This hearing stands in recess subject to the call of the Chair.

[Whereupon, at 12:33 p.m., the subcommittee recessed, to reconvene subject to the call of the Chair.]

APPENDIX

LAW MAKERS & LAW ENFORCERS
Discuss Domestic Terrorism

Senator John East, Chairman

Terrorism is becoming a subject of increasing concern to all Americans. This issue of *International Security Review* contains articles from leading experts, defining the subject and tracing recent developments. The editors desired to augment the writings of the experts on this subject with some views from the Congress. There is a question, of course, whether terrorism is really a serious problem internationally. And, therefore, there is a question about the nature of the legislation that should be written, if any, by the U.S. Congress in order to improve the defenses against terrorism in the U.S.

In February 1982 the editors of *International Security Review* and a panel of experts met with Senator John East in Washington, D.C., for an examination of this important issue. The following discussion ensued:

PHILIP S. COX, EXECUTIVE EDITOR: *Senator East, we are concerned with your views on whether terrorism is, in fact, serious enough to warrant special legislation. If so, what is the nature of the legislation which might be proposed in your subcommittee?*

SENATOR JOHN EAST: I think the legislative committee that can be most useful here is the subcommittee on Security and Terrorism of which Senator Denton is Chairman and on which I have the pleasure of serving with him. That subcommittee has already had fairly extensive hearings on the question of terrorism. Certainly our conclusions would be that it is a serious problem—a growing one and real and substantive.

As far as specific legislation, we're not quite at that point. Though more significantly, a point we are now looking into of a very practical and specific nature is whether the FBI has the adequate tools to monitor terrorism in the United States.

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"The Levi Guidelines are an arbitrary and unwarranted limitation upon the ability of the FBI."

We recently had a subcommittee meeting at which the Director of the FBI spoke. Specifically, I asked him about the so-called Levi Guidelines which I personally feel are an arbitrary and unwarranted limitation upon the ability of the FBI to keep tabs on those with a proclivity to terrorism. As it stands right now, under the Levi Guidelines, which were enunciated in 1976 under former Attorney General Edward H. Levi, the FBI cannot undertake the investigation of individuals or organizations unless they have in fact committed a crime or the commission of violence is imminent. In short, the FBI cannot look at the general tone and character of an organization and its membership, look at its rhetoric, look at its initial activities and conclude that it seems to have a potential for evolving into a violence-prone individual or group. The FBI can't do that. The FBI would have to wait until either they had committed violence or the commission of violence was imminent, that is, the person or group had done all the practical planning and were just on the threshold of committing it. To me, looking at the real world of terrorism, as I see it and understand it in the hearings we held, that is unduly restrictive.

"The minimal role of civil rights ought to be to protect you and your property from random violence of which terrorism is obviously capable."

The critics contend, of course, that if you change the Levi Guidelines you would be posing a threat to civil liberties in this country. I consider that unsound reasoning. In fact, I would argue that the greatest threat to the civil liberties in this country is the growing use of terrorism. Terrorism is a great threat to person and property; certainly the minimal role of civil rights ought to be to protect you and your property from random violence of which terrorism is obviously capable.

"The Bill of Rights is not a suicide pact."

What we in the subcommittee are trying to do then is to begin. We are going to have subsequent hearings on these Levi Guidelines. We feel the first step we need to take is to make sure that the Federal Bureau of Investigation, over which this subcommittee does have oversight jurisdiction, has the adequate tools to monitor and keep track of terrorism — so that we aren't simply presented with an accomplished fact at some point, so that we can see the inter-relationships between terrorist groups, so that we can see the patterns evolve, so that we in the United States are not ultimately at some point in our history subject to the problems that are posed by the Red Brigades in Italy, the terrorist operations in Germany, and elsewhere in democratic Western Europe. We think we need to take preventive action here in terms of simply having the data, the information. Certainly a free society can protect itself. Supreme Court Justice Robert Jackson said the Bill of Rights is not a suicide pact. Certainly, again, civil liberty does involve the responsibility of government to protect us in our person and property. We are going to have subsequent hearings on these Levi Guidelines to make sure the FBI then has the adequate tools. To me that is a major step forward and something specific we can focus on. I think that there is a genuine need for it.

That could be an administrative change within the Justice Department. Once you begin to get into the legislative process, it gets very complicated. So it is better to find out what prudent and effective action we can take of an administrative nature. What we are trying to do is to put a gentle amount of pressure, or incentive, to show our concern to the Justice Department to urge them to rethink this and to see what they can come up with, what their conclusions are. Right now they haven't a final deadline, as the director of the FBI indicated. He said they are reviewing, they are evaluating. I inquired into the status of it: well, it was ongoing. I inquired as to whether there was a terminal date: no, that had not been set. So what we want to do is get a time frame for them to say, "We're going to complete this study, and we want to keep the Levi Guidelines or modify them." We in the subcommittee think that is a good step forward, at least I do. Senator Denton, I know, is very desirous of having extensive and good hearings on the subject. I think we will start there.

COX: *When would those hearings begin?*

SENATOR EAST: We expect to start them in the fairly near future, probably within a month, six weeks, something of that nature. What is important is that the Chairman of the subcommittee is very committed to the hearings which always gives you a feeling of satisfaction that they will be held, whereas if a Chairman is hostile to what you are trying to do, you have got a problem. So, we would say a month or six weeks, in the near term.

COX: *Are there any particular problems as far as coordination between FBI and CIA—in getting that intelligence base to which you referred? Is there any way that your subcommittee could contribute to that coordination?*

SENATOR EAST: I do not profess to have a comprehensive expertise on that particular subject. It is a problem; it needs to be looked into because there tends to be some sort of an artificial dividing line between the FBI and the CIA. Obviously that dividing line is an arbitrary one when you start dealing with terrorism which has an ideological, nationalistic character. It cuts across the international bounds. We certainly need to see that at a minimum there is excellent coordination and exchange of information between the CIA and the FBI.

"There tends to be an artificial dividing line between the FBI and the CIA."

I would suggest that that might be the very next practical step we can take on this subject—to look into that. It would give us a forum for generating public interest in and sensitivity to the problem and possibly coming up with specific changes. Maybe, again, these changes could be strictly of an administrative nature, which is good. We generally have, in my judgment, an Administration here that is sympathetic to what we are trying to do and not hostile. It is a matter of getting the issue into focus and giving it a sense of priority and putting some thrust behind it. That would be a good second subject to look into.

COX: *During the last Administration the CIA was reduced very considerably by some 800 or so case officers. That particular strength was in the area of international affairs and international intelligence. Here we are therefore with a reduced strength in the CIA at a time, indeed, when it appears we need increased strength. Is there any movement at all to fund additional case officers or to reverse the policy of the prior Administration on the strength of the CIA?*

SENATOR EAST: This is a part of a broader concern, namely, the commitment of the Congress to strengthen the FBI and the CIA—two major governmental entities in this area of intelligence gathering and its relationship to terrorism. The new mood in this Congress is clearly a more positive one toward the CIA and the FBI.

"The new mood in this Congress is clearly a more positive one toward the CIA and the FBI."

As you will recall in the previous Congress, for example, the former Chairman of the Senate Foreign Relations Committee, Senator Frank Church, had referred to the CIA as a "rogue elephant." There were others who made, I feel, irresponsible remarks about the FBI and the CIA tending to discredit them in public and to undercut their morale, rather than, if that were appropriate, to look into specific abuse or potential abuse and correct it. The Congress carried on a wholesale assault on these people and these entities in the public arena. We have paid a very heavy price for that, in my judgment, not only in terms of eroding public confidence in them, which was unwarranted, but, as you are suggesting, undermining support in the Congress for proper funding.

Now the mood has changed. I notice on our subcommittee that even the opposition now is appreciative of the need to make sure there is not only adequate funding, but increased funding for the FBI. I feel that could spill over into the area of the CIA; and, in short, we are moving in the right direction. I would hope that in due course—the legislative process works slowly and unevenly—we could then give the financial priority to both of these agencies. They are indispensable to our survival.

DARIO MARQUEZ: Secret Service is in a unique position in regard to intelligence. On the international front we have, by virtue of our responsibility to protect the President, broad access to the intelligence community's product. In contrast, domestically we are severely hampered in our ability to collect, evaluate, disseminate, and utilize information directly related to those who might threaten the life of the President.

"I have observed first hand the inadequacies of our criminal codes when attempting to deal with terrorism."

During my years of personally coordinating certain intelligence activities within Secret Service, I have observed first hand the inadequacies of our criminal codes when attempting to deal with terrorism. While it's certainly true that terrorists commit criminal acts, the inverse is obviously not valid. Therefore, the Levi Guidelines seriously inhibit the ability of the law enforcement community to anticipate and head off these potentially catastrophic actions envisioned by certain radical elements. The events surrounding the attempted bombing of California State Senator Briggs' offices clearly support my contentions.

"Domestic terrorist groups have a history of telegraphing their intentions by publishing their views, goals, and, occasionally, their planned actions."

I was responsible for monitoring the activities of the Revolutionary Committee of the Weather Underground during the period when they attempted to blow up Senator Briggs' offices. Fortunately for all concerned, the FBI had infiltrated two agents (the Levi Guidelines were not yet in force) into the group and we were able to prevent the bombing. Under the now current regulations the FBI would be extremely limited in what it could do prior to the group's committing some criminal act. This is all the more unfortunate when you consider that domestic terrorist groups have a history of telegraphing their intentions by publishing their views, goals, and, occasionally, their planned actions.

N. C. LIVINGSTONE: I think it might be useful if some of those assembled who have experience in the other agencies could comment on whether they feel there are restraints right now on their activities either in, say, the local police, the area of the Secret Service, and in private firms doing intelligence work.

GEORGE BRADFORD: I believe we have to approach all terrorist activities in terms of what they are—that is, criminal acts.

I appreciate the Senator's comments. However, I do not know whether this country is prepared to infiltrate terrorist groups. Shouldn't we also be able to infiltrate criminal groups, and what about political groups? Are we prepared to do that once again? We must recognize that terrorism, that nebulous term that we are using, usually has a political motive. Where do we draw the line?

"Law enforcement in this country is enjoying a high degree of credibility."

We in law enforcement have gone through these dilemmas in the recent past. I feel that law enforcement in this country today is enjoying a high degree of credibility, a credibility that could be eroded very quickly. Certainly, we can look at criminal conspiracies, and we are looking at them—but strictly from a criminal viewpoint. I hope there is an answer we all can live with.

COX: *Are the constraints on a local police force essentially the constraints imposed by local laws or do they, in effect, reflect the national laws?*

"There is a fear in law enforcement circles of the word 'intelligence.'"

BRADFORD: I believe they reflect the national laws and norms. For instance, there is a fear in law enforcement circles of the word "intelligence." Law enforcement agencies feel compelled to use different names, i.e., inspectional units, information units, etc. What is intelligence, and what does it mean to this country? Is it a bad word, and is it good or bad for this country?

COX: *Dario, from the standpoint of the Secret Service and the particular problems you have had in the Washington, D.C., area over the years and* *with embassies overseas and things of this sort, how do you view this problem?*

I believe it would be a true miscarriage of justice to subject the American people to the tragedy of yet another assassination attempt just because the FBI was prohibited from assembling intelligence information, communicating it to Secret Service, and cooperating with subsequent investigations.

COX: *Mr. Pilgrim, from the standpoint of a private corporation that is trying to be useful and provide advice and counsel to those individuals and corporations who wish to protect themselves from terrorism, what would you want to add to the discussion?*

M. K. PILGRIM: We have, as a private corporation, an advantage in that we are not bound by the Levi Guidelines. We can proceed at our own risk to store information on any type of group we desire. As a result of restrictions on governmental intelligence gathering groups, we are seeing a growth of private firms doing intelligence work. There is a firm in Alexandria [Virginia] which sells one product, and that product is information on terrorist groups, with monthly updates, etc. Most of the corporations, the large corporations, around the Washington area now have, in one form or another, data bases on terrorism or predictive models. We are free to sell those to the government and to private corporations.

"As a result of restrictions on governmental intelligence gathering groups, we are seeing a growth of private firms doing intelligence work."

I would like to perhaps take the middle ground between Mr. Bradford and Mr. Marquez. I know George's problems with intelligence functions. I think a classic example of his problem can be found in the incident with the Hanafi Muslims. Because of the reaction against, if you will "domestic intelligence forces," an informant was taken out of the Hanafi Muslims. The Washington, D.C., police could have had intelligence on what was going on; the tragedy could possibly have been prevented. The simple fact is that the D.C. police probably didn't have a whole lot of knowledge of what was going on with the Hanafis, what their plans were, or really how to negotiate with them. I think that examples of that sort show that, domestically, a community needs to be able to protect itself.

Someone asked the question about the FBI/CIA problem with transferring information. The Central Intelligence Agency *can* give information to the Federal Bureau of Investigation, the Secret Service, or any law enforcement agency as long as it is specifically requested and it does not involve U.S. citizens. If it involves information regarding U.S. citizens, then it gets very sticky, and permission probably has to come from either the Executive Office or through the Attorney General of the United States before that information can be provided. By the nature of intelligence, however, it must be timely. If you have to file all those papers, go through those Guidelines, intelligence is no longer timely and thus no longer intelligence.

COX: *Mr. Francis, in your article you talk about the Brinks robbery and the fact that it was perpetrated by potential terrorists, raising the point that American citizens were engaged in an international activity that was ideologically motivated, but evidenced itself in a criminal form. From the standpoint of your perspective as you see that group, how can an FBI and a CIA coordinate at all where an American citizen is involved? Does that not exclude the CIA and make it, if anything, an FBI function alone, or, if anything, a state police function alone?*

SAMUEL T. FRANCIS: There is the problem of coordination that has been referred to. In the case of the Brinks robbery, I think it's interesting to note, first of all, that almost all of the defendants in that case had a history of political violence, membership in the Black Liberation Army, or the Weather Underground.

"Lenin in his writings used the expression 'armed struggle' to refer to what we would call terrorism."

More recently, a group has emerged known as the May 19th Communist Organization, which Senator East discussed the other day at the hearing that he referred to. This organization selected the date May 19th because it is the birthday of both Ho Chi-Minh and Malcolm X. In 1979, this group published a document called *Principles of Unity of the May 19th Communist Organization*, in which it said, "Armed struggle is the fundamental tool of oppressed people to win their liberation. We fully support both politically and materially the waging of national liberation wars against imperialism around the world and in the U.S. Vanguard forces will emerge and have done so through the building of armed clandestine movements and the waging of people's war. A central aspect of our support is the active defense of all political prisoners and prisoners of war captured by the imperialistic state." Now, if you are cognizant of the Marxist use of language and the code words that they use, "armed struggle" means terrorism. Lenin in his writings used the expression "armed struggle" to refer to what we would call terrorism. The "imperialist state," of course, is us, and "political prisoners" and "prisoners of war" generally refer to convicted criminals. Now, it is interesting to note that Judy Clark (who is a defendant in the Brinks case and who was captured on the day of the robbery and near the scene of the robbery), is herself a former member of the Weather Underground and spent time in prison. Since her release from prison, she has been working with a group called the National Lawyers Guild Prison Project and was editor of their magazine *Midnight Special*, which is devoted to radicalizing prisoners and convicts in prison. Several individuals involved in the Brinks robbery and around the fringes of it have been prisoners. Joanne Chesimard, one of the leaders of the Black Liberation Army, is an escaped convict. She is still wanted, and as of this date she has not been captured. And there are several others like that. That raises a question in itself about recruiting efforts within the prisons by radical or extremist groups on both the right and the left, incidentally, because the Ku Klux Klan and some of the white supremacist groups are active there too.

"There is a host of foreign connections."

Judith Clark, herself, was present in Beirut last summer at a Congress hosted by the Palestine Liberation Organization and was the official representative of the May 19th Group to that Congress, and she made several speeches in this country growing out of that Congress after she returned and before she was arrested in the Brinks robbery. So there you have the possibility of a link with the PLO. Not necessarily, but there is an association there. No one knows exactly what she did when she was in Beirut or after the Congress. We know that she stayed there sometime afterwards. We don't know, at least I don't know, possibly the CIA or the FBI knows, whether there was some kind of coordination or pre-operational planning on the part of the PLO with the Brinks robbery and that orbit of people. But it raises the question. And there are other linkages here with foreign powers. Kathy Boudin who was arrested had spent time in Cuba apparently. Nat Burns who was a Black Panther, apparently spent time in Algeria. There was one report that he was trained in SWAPO. So there is a host of foreign connections here with the Brinks robbery, none of which are to my knowledge confirmed, but they are highly suggestive and certainly throughout this document and throughout their rhetoric, they express support for terrorism around the world, not just in the United States. So, I would say that this problem of sharing intelligence between FBI and the CIA on terrorism both internally and internationally is a highly important priority area.

COX: *This raises an interesting point. We are featuring a statement obtained by Arnaud de Borchgrave from French intelligence sources. One of the things that it does is to indicate Soviet motivation and manipulation of international terrorist groups. I note the term May 19. There is an M-19 group, as you may know, in Colombia. The authorities have had a great deal of trouble with members of this group. They escaped from Cuba and came back and tried again to invade Colombia. It suggests indeed very much an international flavor to this thing. Neil this is more in your area of expertise, would you want to comment on the linkage that goes on internationally in the terrorist movement?*

LIVINGSTONE: There is no question that there is international linkage. I think the problem comes in defining how extensive that linkage is and to what extent the Soviet Union and the East bloc take advantage of opportunities and to what extent they initiate, in many cases, violence and provide the raw material for international terrorism.

"There are training camps within the Soviet Union and the East bloc nations which are entirely geared to training Third World peoples in the tactics and the methodology of terrorism."

I agree with Ray Kline that there is probably no "dark room in the basement of the Kremlin" in which all world terrorism is orchestrated. I think one of the things that Arnaud de Borchgrave's article indicates is that there are clearly linkages, not only among world terrorist groups in a kind of Terrorist International, but that there is clear evidence of a Soviet effort to support, sustain, and provide the wherewithal, the real raw material the terrorist groups work with—guns, propaganda, training—and that the Soviet Union offers this support on a regular basis. Sectors of its government are devoted to this task. There are training camps within the Soviet Union and the East bloc nations which are entirely geared to training Third World peoples and even people from developing countries in the tactics and the methodology of terrorism.

I recently spoke with a man who had returned from several years in Beirut and in southern Lebanon, and he said that despite the hot and arid climate, the principal badge of honor that a man could wear in the Palestinian and other various terrorist groups was a fur hat. They wore them with pride because this was indicative that they were one of the select number who had been sent to a training camp in either the Soviet Union or one of the other Eastern European countries.

"A national policy on terrorism has got to be part of our foreign policy."

I think, without question, this is one of the things that this Administration has got to address. A national policy on terrorism has got to be part of our foreign policy. In that regard, the Administration and Congress must address the question: What is the role of the Soviet Union in international terrorism; and if indeed there are linkages between terrorism and the USSR, as I think all of us at this table believe, then there must be appropriate sections to deal with those linkages in our foreign policy. What kind of relations can we have with countries which sustain and support international terrorism on a regular, overwhelming basis? This comes down to the question of Cuba in Central America. It comes down to the question of the Soviet Union and its relationship with our allies in Western Europe and with us today. I think this Administration has got to develop a policy which addresses this and makes it a fundamental aspect of our relationship with the Soviet Union and with its allied nations.

COX: *Senator, there is obviously concern here for developments in Central America where terrorism is in fact a powerful instrument for change in the political structure. The Administration has recently announced that it is going to increase its military aid to El Salvador, and there are rumors about Argentina beginning, in some sort of sub rosa way, to help to limit the effectiveness of Nicaragua. Is the Congress as sensitive to or sympathetic to this issue as the Administration seems to be, or do you see the Congress less enthusiastic to get the United States involved in what may be a counterterrorist activity down there?*

SENATOR EAST: There is a great deal of interest in the issue, though a debate is not yet proposed. As a matter of policy formation, it still is principally in the Administration's bailiwick. Hence, the Congress is somewhat in a reserved position on it as far as taking any definitive action. But again, there is great interest in it across the political spectrum in the Congress. Depending upon the initiatives the Administration takes, I think you will see the Congress respond, somewhat in a reactive way to what the Administration does—Congress being somewhat limited in terms of what options it can take at the moment—it being again the Administration and State Department that have the greater options.

COX: *There is one specific concern though that does focus on the Congress and that is Guatemala and the restrictions on aid to Guatemala as a function of human rights. Neil has just been down there and the condition is obviously very serious. Is the Congress likely to change whatever its constraints are now on Guatemala in particular?*

SENATOR EAST: I think whatever changes the Congress makes in the area of foreign policy (one thinks in another context, for example, of the Clark Amendment in the case of Angola), it is going to take a major commitment on the part of the Administration and the State Department and the leadership of the Congress to make that sort of change. Absent that, the status quo is favored.

"I feel there are many Senators and Congressmen who do support the desires of the Administration to take more decisive and affirmative actions in Central America and southern Africa."

I return to my earlier observation that, in my judgment, the key is what the Administration does. If it does require Congressional actions in some form, how willing are they to make the commitment? The status quo, whatever that is, on any matter, be it the Clark Amendment or aid to Guatemala, the status quo is currently favored unless there is a heavy commitment from the Administration, the White House, to change that, and you begin to get your support here in Congress. I like to feel there are many Senators and Congressmen—whether we are a majority, I don't know; we may have to find out a little later—who do support the desires of the Administration to take more decisive and affirmative actions in Central America and southern Africa and try to reverse the tide. There is greater sentiment for doing that now than there was prior to the election of 1980. There are more Members here who are willing to support a change in U.S. policy and who do appreciate the nature of this struggle.

We are caught up in this struggle. We cannot avoid it. It is serious. It is substantive. It cannot be made light of. The domino theory, if you will, is alive and well. Just a little common-sense observation regarding Asia, Central America, Africa, the Middle East, will indicate that it is so. Where we lack the vision and the will, the strength, the resources to offset it, to counteract it, it continues. The latest way station along that treacherous and unfortunate road is the current situation in El Salvador, which is tottering. I think the Administration has a very critical decision to make. It would be my assessment that the government of El Salvador will not be able to turn the tide, at least as I would read it, not without a very heavy and serious commitment on the part of this country and the desire to mobilize that strength among the American people and in the United States Congress. If that isn't done, I figure El Salvador will go the way of Nicaragua. And then again we are up against Guatemala, Honduras, and a similar pattern throughout the world. We are familiar with it. Anybody who has observed this thing with any degree of objectivity knows it is part of this whole problem we are talking about—the ideological character of the great world struggle in our time, and terrorism is simply a manifestation. Its motivation is ideological. It is an idea struggle.

"I think our current intelligence gathering is naive on terrorism."

I would like to comment on an earlier matter. I agree there is an overlap in the relationship between criminal activity and terrorism. They are not co-extensive, they are not co-terminus, they are not identical. Terrorism takes on the coloration of ideas. Philosophy is the motivation, not economic gain which perhaps motivates the criminal to rob or steal. What motivates the criminal to do whatever he does could vary enormously with the individual. But in regard to terrorism the earlier remarks about the May 19 Communist Orgainzation and its literature indicate that the motivation behind the Brinks robbery was not principally to get dollars. The purpose was to serve some sort of idea end. That is what makes it very unique. That is why I think our current intelligence gathering is naive on terrorism. You aren't just dealing with another member of the criminal underground. You are dealing with an underground committed to a political, economic, social, and ideological end—the Marxist-Leninist end.

"We don't understand the ideological character of this great struggle."

Solzhenitsyn said one time that he didn't think the West had read the Communist Manifesto. And that is correct. We don't understand the ideological character of this great struggle—if you will, the idea character of it. That is the driving force behind terrorism. It is Machiavellian, if you will, in its character, because one distinct aspect of terrorism is that it is totally indifferent to the innocent. Terrorism is looked upon as simply another way of furthering the ideological end. We are not used to dealing with that kind of thing in our history and in our time.

We are not dealing with another conventional nation, another conventional international tension; we are dealing with something that transcends that. It is powerful. It is driven. It is fanatical. It is intense. I don't wish to overdraw the picture, but I think we have been naive in underdrawing it. Once we get some appreciation for the nature of the ideological character of our opposition in this very significant struggle of our time, I think we can understand what terrorism is. Then I think we can develop the tools—responsibly, prudently, and intelligently—we can develop the tools to deal with it. That is where we are with it at this point.

COX: *Would anyone else like to ask the Senator a question?*

BRADFORD: Are we going to draw the line on ideology? We have been talking about criminal acts, but do we draw the line on ideology? Are we saying that the government should be protected with any more zeal than the ordinary citizen?

SENATOR EAST: This is an excellent point. One has to work with specifics to illustrate one's point. Let's look at the May 19th Communist Organization. We already know that one of the defendants from the Brinks robbery is a member of that organization. Under the FBI's own admission from the Director, under the Levi Guidelines, that organization could not have been investigated. Yet if we look at the principles of the organization, such as those which Sam Francis read to us earlier [*Principles of Unity of the May 19th Communist Organization*]—from a document incidently promulgated prior to the Brinks robbery—we would know the character of that organization. They talk about "armed struggle," "armed revolution," inside the United States; the words "armed" and "inside" occur repeatedly. To me, the fact that our leading intelligence gathering organization—domestically, the FBI—lacks the tools to track an organization like that and its membership is irresponsible. It is irresponsible in the sense that those making the rules and applying them fail to understand the ideological character of that kind of material and the likelihood of that motivation evolving, through the Kathy Boudins and others, into outright criminal activity, be it the Brinks robbery or some other kind of random violence or antisocial conduct. Certainly a free society, a prudent society, ought to have the reasonable tools to monitor that kind of an organization, to be aware of it, to be able to anticipate and possibly prevent its violent actions.

"Should the government be protected with any more zeal than the ordinary citizen?"

I would agree with the implications of the question, that it is hard to know precisely where the line is. I am suggesting, though, that there is a line. There is a difference in quantity that becomes a difference in quality. Terrorism is a qualitative thing, versus common ordinary criminal activity. If we do not understand those differences—in tone, character, motivation—we are not going to be able to develop the tools, intelligence gathering or whatever, to cope with terrorist organizations.

LIVINGSTONE: How does this reconcile with the recent decision by the FBI to reduce terrorism from 12th to 13th on its list of priorities? It seems to me it was too low to begin with, and now it has been reduced further. Is there an appropriate sensitivity to the problem in the Bureau and elsewhere in the government?

SENATOR EAST: In our initial hearings the other day I was inquiring of the Director, Mr. Webster, about the Guidelines. The response the FBI Director gave, and I am paraphrasing, was that he is generally comfortable with the Levi Guidelines. It does set parameters, as he put it. They feel comfortable working within those limits. Now, I can understand that to a degree. Being the Devil's advocate, though, my response would be—as a great supporter and admirer of the FBI, and a great respecter of the ability of the current Director—that response has a little bit of the bureaucratic flavor to it. The FBI is saying, "This makes life a little easier for us. We don't have the responsibility for making judgment calls." So naturally they can reduce the number of agents.

"The FBI is generally comfortable with the Levi Guidelines."

I look upon it, as a Member of the Congress, in a very different way. I am not trying to make life cozy and comfortable and easy and simplistic for the FBI. I want to deal with the genuine, substantive problems of terrorism. I don't know any other entity that is better equipped to deal with what I think are genuine, substantive problems of terrorism than the FBI. I want it to have the responsibility, and I want it to have the tools to keep track of terrorist organizations.

"The FBI has to be encouraged to undertake additional responsibility."

I would submit that there can be alternative "guidelines" to the Levi Guidelines. I think the Justice Department, the FBI, can develop their own internal mechanisms. There can be forms of oversight, so that we won't have to be saying to the individual agent, "Gosh, you poor fellows, you don't know what to do. If you do this you will be damned, if you do this you won't." I can understand that the agent in the field needs some some sort of "procedure" in which he can place confidence, so that an exercise of his personal judgment will not come back upon them. But right now there is a rather comfortable, cozy arrangement in which the agents can say, "Unless we can show that there has in fact been violence or violence is imminent, we cannot become involved." Hence the May 19th Communist Organization is free for an indefinite period of time to live, and move, and have its being; and the FBI can only react to it once it has done something of a violent criminal nature. The FBI, with all due respect, has to be encouraged to undertake additional responsibility. The Justice Department may have to be encouraged to undertake it. I'm not going to let them off the hook. They are too able, too competent. There is a genuine need. I am not going to let them off the hook by allowing them to say, "We just don't want to get involved in that risky area; so we cut down the number of agents." Then everybody is comfortable. But the problem still remains.

FRANCIS: I want to comment on George Bradford's question earlier about the distinction between criminal and terrorist activities. It seems to me that intelligence gathering on terrorist "activities" would be much more useful than in an ordinary criminal investigation simply because terrorists do tell you what they believe. They tell you how they think. They tell you what they are going to do very often. They pre-plan their activities in advance. An ordinary criminal doesn't usually do that.

"Terrorists tell you what they believe. They tell you what they are going to do very often."

In organized crime cases you can use intelligence very effectively, and we do, and nobody really objects to that. Nobody objects to putting informants into a mafia family or a drug ring. There is no controversy over that. I am at a loss really to understand the political controversy which develops when you talk about using informants in groups that are essentially terrorist groups or terrorist support groups. I think that intelligence is probably a far more effective tool in counterterrorism than it is for an ordinary criminal investigation. Does that refine your point made earlier?

BRADFORD: We are speaking in very general terms. What is a criminal group, and how is it defined? Criminal groups may, and have, changed their ideologies over the years. They may start out as a criminal entity and evolve into a political group. The group may also evolve in the other direction. What protection will law enforcement officers have if and when they infiltrate these groups? Can laws be written with such a degree of clarity that we will not have Miller and Felt's skeletons in our closets? Does law enforcement always have to suffer because Congress fails to give it laws with teeth? The Levi Guidelines are at least that—guidelines.

"Can laws be written with such a degree of clarity that we will not have Miller and Felt's skeletons in our closets?"

I disagree with the Senator's comments with reference to the Federal Bureau of Investigation being comfortable with the Levi Guidelines. I do not believe it is a matter of anyone being happy with restrictive guidelines; however, these agencies have to protect their personnel. I believe that law enforcement officials are not ready to stick their necks out too far.

"What American law enforcement needs is protection from its own government."

We need operational guidelines from the highest levels of our government, either the President or the Congress of the United States. What American law enforcement needs is protection from its own government. The government has had a very poor record of protecting us in the past.

FRANCIS: Exactly, in fact, Director Webster the other day referred to that very thing. He referred to the danger of lawsuits against officers—FBI officers and agents who were ruined for using their judgment in the absence of guidelines. The Felt/Miller case that you talked about, that is certainly a danger. We want guidelines. We just want revised guidelines different from the Levi Guidelines. We needed guidelines that will tell the FBI what they are authorized to do and what they can't do.

"If terrorism begins to expand in this country, under our own self-imposed guidelines we can't do anything about it."

SENATOR EAST: I feel in the long run the FBI and law enforcement people are going to run an even greater political risk which you are raising. If terrorism begins to expand and grow in this country, and the American public wants to know why nothing is being done about it, and the law enforcement response is that under our own self-imposed guidelines we can't do anything about it—I don't think they are going to be able to live in that political climate. The American people through elected representatives will want government entities that can protect them and that cannot get off the hook by saying, "Well, we have developed our own guidelines internally that make us impervious. We are interested in protecting ourselves against potential law suits, against potential harassment by political demagogues." I don't know how defensible that will be politically. Either way, I agree there is a problem of "politics," but there may be less of a political problem in the long run if we can ensure that the FBI has the tools to collect the data that is needed to prevent terrorism, to keep tabs on it. I cannot believe there is not enough competence and expertise within the law enforcement community in this country—be it at the federal, state, or local level—to develop their own internal ground rules that will make it possible for them to protect the American people from terrorists. The public might have to come to their defense. That is what I think was scandalous and embarrassing a few years ago when people sitting right here in the Senate were making demagogic attacks on the FBI and the CIA. Fortunately, I think the worst of that element is gone, but there is still some of it around.

COX: *Does that not come back to the point that maybe the Levi Guidelines will not be changed until Congress evidences through legislature, or at least some consensus expression, the desire for these guidelines to be changed?*

SENATOR EAST: I suspect so because as the conversations here have suggested, it may be the FBI, with all due respect to it as an entity and the Justice Department as an entity, are more comfortable with these Guidelines because it relieves them of certain responsibility. They can simply say, "It was not in the Guidelines; we couldn't do it anyway. We couldn't have kept track of this organization. We couldn't have anticipated the Brinks robbery and the killings there. We can't keep up with Kathy Boudin and all these people circulating, because we don't have the power to investigate this sort of thing." So it may be that the pressure will have to come from without because of the bureaucratic comfort of living with the known. They are understandably gun shy—and I don't blame them for being a little gun shy in terms of publicity and politics, because of the hammering they took a few years ago from demagogues—their names are well known to you and me and to all of us—the badgering they took a few years ago from people serving in the Senate and the House was unconscionable.

LIVINGSTONE: That's one of the problems I think we have to confront now. The effort the civil libertarians, or so-called civil libertarians, are now making against those who would combat, suppress, or control terrorism is a revival of the case against McCarthy. The civil libertarians would label any antiterrorist action as necessarily something which would be antithetical to the preservation of civil liberties in this country. If you recall *The New York Times* and the *Washington Post*, when the President and the Secretary of State made their first statements on terrorism or antiterrorism, saying that it would be the dominant metaphor of American foreign policy, there was suddenly this plethora of attacks that stated, first of all, there is no real problem, and second, this will erode our civil liberties. We must take every step to prevent it.

"The efforts the civil libertarians are now making against those who would combat terrorism is a revival of the case against McCarthy."

It seems to me that the Administration is going to have to make an aggressive effort, first to provide the support data to prove that there is a terrorist problem and to educate the American public in that regard and, second, to rebut attacks like this, which seem to be coming from every corner right now.

CONCLUSION: *Terrorism is an increasingly threatening means used by radical groups throughout the world. There are reasons to believe that terrorism could increase in this country. At present law enforcement and investigative agencies, both local and federal, operate at a disadvantage in that they cannot take long-term action to prevent crimes of terrorism. They can only act when a crime is imminent or has actually been committed.*

The most difficult task facing the law enforcement and investigative agencies, the Administration, and the Congress is to devise basic laws and administrative guidelines which both protect the rights of citizens from overly energetic intelligence investigations and law enforcement procedures and, at the same time, give those agencies the necessary means to protect the citizens from terrorists. The present laws, enacted only a few years ago by the Congress, severely constrain the FBI and the CIA and, as a result, leave the public exposed to crimes of terror. Similarly, the administration procedures within the Department of Justice (the Levi Guidelines) insure that agents do not breach Congressional constraints, but these guidelines, in effect, offer more protection for FBI agents against abuse by the press and the Congress than they do protection for the public. A change in such administrative rules would be easier to effect than a change in the basic law, but a change in administrative rules cannot be expected until all such agencies, local and federal, are confident that their personnel will not be abused for logical, if somewhat enthusiastic, actions taken to protect the people from criminals and terorists.

This sensitive political problem is complicated by the fact that terrorist groups are ideologically motivated. Terrorists commit crimes, but their motivation is not the same as that for the common criminal. Few Americans, let alone law enforcement agents, fully understand their motivation.

Terrorists also have international connections and enjoy international support. The problems for law enforcement agencies are complicated by the geographic scope of terrorism. Several of the criminals who recently robbed a Brinks armored truck in New York were terrorists with international connections.

Communist doctrine endorses the use of terrorism as a tool for advancing the "class struggle" against the free world. There are training schools for terrorists in the Soviet Union and other communist bloc countries.

The "wars" being fought in Central America are Wars of National Liberation, in communist terminology, being fought primarily by means of terrorism. These wars suggest the dimensions to which terrorism could grow in this country.

A new national consensus, reflected in the Administration and the Congress, favors a strengthening of laws and administrative procedures to combat terrorism in the United States. That consensus would be enhanced by a greater public understanding of both the national and international aspects of terrorism. —PSC

The views expressed by Mr. George Bradford in this discussion are his own and do not necessarily reflect the views of the Metropolitan D.C. Police Department.

THE DOMESTIC SECURITY (LEVI) GUIDELINES

WEDNESDAY, AUGUST 11, 1982

U.S. Senate,
Subcommittee on Security and Terrorism,
Committee on the Judiciary,
Washington, D.C.

The subcommittee met at 10:25 a.m., in room 2228, Dirksen Senate Office Building, Senator Jeremiah Denton (chairman of the subcommittee) presiding.

Also present: Senator East.

Staff present: Joel S. Lisker, chief counsel and staff director; Bert W. Milling, Jr., counsel; and Fran Wermuth, chief clerk.

OPENING STATEMENT OF SENATOR JEREMIAH DENTON

Senator **Denton**. This hearing is called to order.

We will probably have a continuing difficulty with votes today. In order to conform to the rules of this committee, I will not swear in the witnesses this morning in order to permit the proceedings to continue when it is necessary for us to go vote.

I want to welcome Senator John East from North Carolina, who is, by far, the most attendant colleague at all of these hearings. He has manifested great interest in them, and has, by his questions and statements, been a great asset to the subcommittee.

Senator **East**. Thank you, Senator.

Senator **Denton**. I also want to welcome the witnesses, Mr. John M. Walker, Jr., Assistant Secretary for Enforcement and Operations, U.S. Department of the Treasury; John R. Simpson, Director, U.S. Secret Service; and Lynn H. Herring, Chief, U.S. Park Service, Department of the Interior.

Today the subcommittee resumes its inquiry into the adequacy of the Attorney General's Guidelines for Domestic Security Investigations, commonly called the Levi guidelines, under which the Federal Bureau of Investigation has been operating since April 1976. The subcommittee has had two previous hearings on June 24 and 25, 1982, during which FBI Director William Webster, three former members of the Bureau, and a former member of the U.S. Secret Service gave the subcommittee the benefit of their views as to the adequacy of the guidelines and the need for changes.

Director Webster acknowledged that some modifications of the guidelines are in order and stated that a review of the guidelines by the FBI and the Department of Justice is presently underway. Firm recommendations concerning modifications should be forthcoming, and although the subcommittee has not yet been provided with the substance of any specific recommendations that the FBI may have, Director Webster and the Department of Justice have assured the members of this subcommittee that they will be given an opportunity to review and comment upon pending proposals and to make suggestions for changes prior to adoption of new or modified domestic security investigation guidelines by the Department of Justice.

The former Secret Service agent who testified brought to the attention of the subcommittee the fact that the present guidelines, when coupled with the absence of a domestic intelligence collection effort by the FBI since their implementation in 1976, has had an impact that extends far beyond the FBI and its ability to monitor and collect intelligence or information on matters pertaining to domestic security.

The U.S. Secret Service, which has the primary responsibility for protecting the President and other national leaders, has no real intelligence collection capability and must, therefore, rely heavily on the FBI for domestic intelligence collection on potential assassins and others who may pose a threat to those whom they protect. However, since the imposition of limitations on the FBI by the Department of Justice, the flow of information to the Secret Service has been greatly diminished, thereby directly affecting that Agency's ability to meet its responsibilities in the area of Executive protection.

Moreover, it appears that other law enforcement agencies, such as the U.S. Park Police, as well as State, county, and municipal departments, have also been limited due to the inability of the FBI to continue disseminating information to them in the domestic security area.

To examine fully the consequences of these events, I scheduled hearings to elicit testimony from representatives of these agencies on the scope of the problem from their perspectives. Today we will hear from Mr. Walker of the Treasury Department, Mr. Simpson of the Secret Service, and Chief Herring of the Park Police. I feel that it is crucial that the subcommittee receive their input in order to properly assess the impact of the Levi guidelines. I hope and trust that the Department of Justice and the FBI will carefully consider the comments of these witnesses prior to finalizing any changes.

Before proceeding with today's hearing, I want to make some observations. From the testimony previously received and from my study of this matter, it is apparent that there is widespread confusion concerning the need for the collection of domestic intelligence. Whether we like it or not, there are elements in our society who are committed to violence, subversion and terrorism. Now, we can either sit back and hope that they will go away or we can wait until events occur before responding, such as happened in Nyack, N.Y., with the resulting loss of life that accompanied that tragedy. In my view, however, a more reasonable approach would be to give the FBI the mandate and the authority to identify and monitor groups which advocate the use of violence, subversion, and terrorism so that this activity can be prevented. This approach would also give our Government an adequate informational base in order to permit a measured response to acts of violence which it was unable to prevent.

A principal function of government is to provide for national security. Indeed, this is the first social service, as was mentioned on the floor last night. We have too many in this body who look at appropriations for or attention to national security matters, such as military preparedness or foreign aid as if they are an entirely separate category, competing with appropriations for the elderly, for example. The President of the United States is responsible for the survival and well-being of this country in its entirety; all of these matters are interrelated. The effect of foreign policy, for example, on domestic security is an understanding that I am going to try to bring home to this body. It is one of the principal reasons that I came up here, and I consider this hearing in that context. We cannot afford to consider any of these issues in isolation; they are all related to each other.

As I was saying, a principal function of government is to provide for national security—this cannot be accomplished without timely and accurate intelligence on individuals or groups, domestic and foreign, which are dedicated to the destruction of our society. In the past, there has been an almost exclusive focus on a few alleged abuses of law enforcement with respect to individual civil rights without a coextensive balancing of the need for intelligence. Intelligence, in my view, is necessary to permit the government to provide for a secure environment in which civil liberties can flourish. That is a liberal view, not a conservative view. Also omitted has been any consideration of past successes, which must, in part, be credited to the development of timely intelligence. To be secure in one's person and property is a fundamental and important constitutional right. This cannot be effectively provided for by the government without information about those who do not share this view and who are committed to an antidemocratic course.

I am also concerned with what appears to be an attempt by some to place the collection of intelligence in the context of a criminal investigation and further to base an evaluation of the product of such intelligence collection efforts on criteria better suited for measurement of productivity in the marketplace.

Criminal investigations are undertaken for the purpose of securing convictions for violations of the law and are governed by laws, regulations and guidelines which are restrictive in nature in order to insure that no innocent party is unjustly convicted.

I am persuaded that domestic intelligence collection has a much broader purpose; that of providing our Government with information on those in our open society who, at a minimum, advocate and espouse violence, subversion or terrorism. Intelligence is gathered so that we can be accurately informed in advance concerning potential enemies and their plans. Being informed in advance of the potential for violent activity or subversion is ample justification for this activity. It is not undertaken to produce convictions nor should it be evaluated based on the number of convictions or interdictions that result therefrom.

One positive result of intelligence collection is negative intelligence which shows that there are no serious problems in the targeted areas. It should be apparent that this aspect of intelligence collection is not susceptible to a management, result-oriented method of evaluation.

Such intelligence collection is all the more important in a highly mobile and open society such as ours in order to insure that it remains open and free and is not subtly destroyed because of governmental inaction born out of a narrowly focused concern for individual civil rights. These rights are important, but at times other considerations such as national security must not be overlooked. In some cases, circumstances dictate that the national good is best served by a limited relinquishment of some individual civil rights. In the not too distant past during wartime we had censorship with respect to certain things such as the mail and journalistic reporting. That has become less and less the case, and I believe the pendulum may have swung too far.

History and common sense dictate that it is self-destructive and foolhardy for a government to wait until violent, subversive or terrorist tragedies occur before taking action; by that time it is too late.

I hope we have not come to the point that we have lost sight of the need for individual citizens to be willing to risk freely and sacrifice their lives in national service, if need be, and sacrifice their liberties in order that the greater good of our country be served.

I was just told on the way to this hearing that something like 67 percent of the people in Japan have just been polled as being in favor of never bearing arms in defense of their country, never in any circumstances would they do so. If we get to that point, write us off. The goodness in the country which has prevailed for a little over 200 years will be gone and we will be under the Soviet domination. The liberals who have been screaming for that will be the only ones who will be surprised when they are put up against the wall and shot. I will not be. I have been there.

For these reasons, I welcome the reassessment of the FBI's domestic security investigation and intelligence collection ability under the present domestic security investigation guidelines. These hearings, I feel, are important in providing additional information to the Department of Justice in this reassessment process.

Senator East, do you have any opening remarks you care to make?

STATEMENT OF SENATOR JOHN P. EAST

Senator EAST. Thank you, Senator Denton.

I wish again to thank you for holding these hearings. I would like to feel that they have been valuable. At our previous hearing, the Director of the FBI indicated that we could expect a report from them pertinent to the Levi guidelines and, as he put it at that time, he thought we would be pleased with the results, so we are certainly anxiously awaiting their final report on that.

I feel the hearings to this point have clearly established the need for revision and that the criminal standard is simply inadequate to the nature of the threat that we face. The problem is that the flow of information has simply dried up. We had ample documentation of that. The flow of information that we formerly got from the FBI, which was not only useful to it in its conduct of domestic intelligence investigations, but I think pertinent to our gentlemen this morning, the information they could get from the FBI has obviously dried up as well. You will recall the Secret Service indicated in their report that they get 60 percent less of the data than they used to get. I think that has a crippling effect on their work, and they attribute it directly to the FBI's Levi guidelines.

We mentioned the Hinckley case, for example. It is not to say that they could have anticipated Hinckley. It is to say that with the guidelines there was no chance that they could have done it. At least a revision of the guidelines would have upped the odds that they could have done that. And so it goes. All we want to do is try to up the odds that the FBI can help in the flow of information, not only to itself but to other governmental agencies so that they might deal with what many Americans, including certainly Senator Denton and me, feel is a very legitimate concern. These ideologically motivated groups, be they Nazi, Communist, or radical—or some reasonable facsimile thereof—we are not pinpointing a particular point on the spectrum, but ideologically motivated, not the normal criminal situation we need to have the capacity of the FBI to monitor those groups to be able to get into full investigations of their potential for violence, short of their actually having performed criminal acts. This is the problem. The flow of information problem, the monitoring.

I would submit, respecting that there are people on the other side of this, this is a very reasonable posture to take. As you have said, Mr. Chairman, certainly the fundamental responsibility of government, if it does nothing else, ought to be able to protect its citizenry in their person and in their property. We ought to be able to expect our Government to protect us against internal violence of this kind, and I submit the record is rather compelling that with these Levi guidelines, whatever the good intentions of it, I am not quarreling with that, they have turned out to be an obstacle to what we feel is needed; namely, this increased flow of information. So, as I understand, the good gentlemen this morning are here to help us better understand their perspective on this matter, whether they are getting adequate information and what might be done to assist them to get it.

As you have already pointed out, Mr. Chairman, I will cease and desist lest I eat up too much time. We are going to be harassed with rollcalls here. So if we are not here, I hope that the witnesses will understand it is not from lack of interest, it is that we are over on the Senate floor voting, and we would like to feel that we have able staff here who can continue with this process and we, of course, will be following up on it with great interest.

So again I thank you, Mr. Chairman, and it is a pleasure to be associated with you in what I think is a very important endeavor.

Senator DENTON. Thank you, Senator East.

We will now ask the Assistant Secretary for Enforcement and Operations, the Department of the Treasury, the Honorable John M. Walker, Jr., if he has an opening statement which he cares to give.

STATEMENTS OF JOHN M. WALKER, JR., ASSISTANT SECRETARY FOR ENFORCEMENT AND OPERATIONS, DEPARTMENT OF THE TREASURY, AND JOHN R. SIMPSON, DIRECTOR, U.S. SECRET SERVICE, ACCOMPANIED BY EDWARD P. WALSH, DEPUTY ASSISTANT DIRECTOR, PROTECTIVE RESEARCH, U.S. SECRET SERVICE

Mr. WALKER. Thank you, Mr. Chairman.

Mr. Chairman and members of the subcommittee, I am pleased to appear before you today to discuss the impact of the Levi guidelines insofar as they affect the intelligence needs of the U.S. Secret Service. I am accompanied by the Director of the Secret Service, Mr. John R. Simpson, on my left, and the Deputy Assistant Director for Protective Research of the Secret Service, Mr. Ed Walsh, on my right. Director Simpson will also discuss this subject in his opening statement, and will be available to answer questions which you may have on the impact of the Levi guidelines.

The Secret Service, as you know, is charged with the awesome responsibility of protecting the life of the President of the United States, the Vice President, foreign heads gf state and/or ggvernment and certain other persons including the major candidates for the Presidency and Vice-Presidency every Presidential campaign year. Hence the Service has protective responsibility for U.S.-elected officials and foreign world leaders of diverse political persuasions. These protectees frequently incur the wrath of radical and emigre groups who may also be terrorists.n1

In order to do its job effectively, the Secret Service needs the maximum amount of intelligence available about persons and/or groups who may seek to harm the President and other protected persons. The Service has always been noted for its concentration on the individual who constitutes a potential threat to its protectees. I have reference to the so-called political lone assassin. This concentration remains very important in today's world. Of equal importance to the Service, however, is the terrorist, a group-affiliated individual whose motivation and identity are acquired through that group. The Secret Service needs to know about this kind of person and about the intentions and activities of a number of terrorist groups.

The FBI has broad statutory jurisdiction over the investigation and/or the collection of information as it pertains to domestic terrorist organizations. The Secret Service is primarily a consumer of this type of information as opposed to a collector. In order to effectively carry out its mission, the Secret Service has traditionally relied heavily on the FBI as the major resource for the investigation of domestic terrorist groups and the gathering of intelligence on their activities. The Service needs information describing the location, structure, plans and activities of potentially violent groups as well as reports furnishing background data and current activities of individual group members. The purpose of this information is to put the Service in a position of preventing attacks, not just reacting to them.

The counterweight of the collection of domestic intelligence is the first amendment right which all citizens have to express themselves freely and to dissent politically. These rights are fundamental to the existence of our Government and the existence of a free society. I want to emphasize my strong support of these first amendment rights. I also want to point out the excellent record which the Secret Service has maintained during its 117 years of existence of upholding these rights. I can tell you without reservation that the Treasury Department and the Secret Service have no intention of making demands on any agency for unconstitutional activities. What we are seeking to accomplish is to strike a balance between these rights and the need which the Secret Service has for the collection of information about groups which will lead to the best utilization of the Service's protective resources. In this regard, as Senator Denton has pointed out, it is just as important for the Service to know where not to put resources as where to put them. Thus, the Service needs to know, for example, that an organization utilizing extreme rhetoric is either disinclined to put words into action or incapable of launching dangerous activity.

Mr. Chairman, I think you and members of the subcommittee should be aware that the level of cooperation between the U.S. Secret Service and the FBI has never been better. The Secret Service is satisfied that it gets all of the intelligence information which the FBI has with respect to individuals and groups who constitute a potential threat to the President and other protected persons. Agreements and working relationships entered into during the past 16 months have raised the degree of cooperation and information sharing between these two fine organizations to an unparalleled degree.

The problem is that the FBI has been hindered in collecting certain vital information about groups by the Attorney General's domestic security guidelines. These guidelines, commonly referred to as the Levi guidelines, were promulgated in April 1976 in the wake of Watergate and related revelations. They were designed to strike a balance between the protection of constitutional first amendment and privacy rights and the acknowledged need for domestic intelligence where the well-being of the Republic might be at stake. Now, 6 years later and with the benefit of hindsight, I feel that the balance struck has unduly restricted the flow of vital intelligence to the Secret Service and that a new balance must be found which will remove objectionable restrictions without sacrificing basic constitutional rights. The "Management Review on The Performance of the Treasury Department in Connection With the March 30, 1981, Assassination Attempt on President Reagan" recommended that consideration be given to permitting the FBI to expand its domestic security investigations.[1]

Prior to the Levi guidelines, the Secret Service received from the FBI a vast amount of intelligence information on individuals and potentially violent groups who might be considered to be threats to domestic security. There was a considerable amount of valuable information contained in these referrals. These reports were thoroughly digested by Secret Service personnel. They gave Secret Service managers at the local level considerable information as to what was happening in their area on the existence of potentially violent groups and their plans for meetings, demonstrations and violent activities.

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[1] The relevant portions of that document are contained in the appendix, p. 181.

After the Levi guidelines were promulgated, the quantity of information flowing to the Service was considerably reduced. The volume of reports furnished by the FBI to the Secret Service from 1977 to 1979 dropped dramatically from that furnished between 1972 and 1976. I want to emphasize to this committee today that the reduction of the quantity of reports furnished is not per se the major problem. We are satisfied that of the reports we receive, the quality is satisfactory. The problem is that there are important areas of investigation that are not being pursued since the guidelines have been in effect. As a result of the 1976 guidelines, the most notable lack of information in reports received from the FBI occurred in those areas describing the location, structure, plans and activities of numerous radical and emigre groups.

The decrease of intelligence information on these groups has created a difficult situation for the Secret Service. Although responsible for the life of 20 permanent protectees and approximately 100 foreign heads of state who visit this country each year, the Service has found itself in many instances without the benefit of current reporting on potentially violent groups and their plans. Terrorist groups, the ultimate product of radical group activities, have proven themselves to be a viable force within this country, quite capable of inflicting extensive damage and harm without advance notice. The lack of timely and accurate accounting of shifts in group plans, operations and activities formerly received regularly from the FBI, makes evaluations relative to the security of Secret Service protectees a much more difficult task.

It is very reassuring to know that the FBI, working closely with the Justice Department, is in the process of revising the Levi guidelines. Any revisions which will enable the FBI to gather more information on potentially violent groups or groups which may reasonably be considered to have terrorist inclinations are vitally important and are welcomed. I applaud the testimony of Judge Webster on June 24, 1982, with respect to proposed changes in the guidelines. In particular, I strongly support Judge Webster's concerns over limitations on the use of informants during the early stages of investigation, which are called preliminary and limited investigations, including his concern that the FBI is limited under current rules to the use of established informants to provide information. I also agree with Judge Webster's highlighting the problem of the practice in the FBI of closing a domestic security investigation at the end of 1 year if the group has not engaged in other activities during that time, even though it may remain committed to the use of violence.

The Treasury Department and the Secret Service anticipate having an opportunity to review the proposed revisions to the Levi guidelines after they have been further refined and then to make such additional recommendations as seem appropriate to permit the FBI to collect the broader base of domestic security information that is needed to help meet the protective requirements of the Secret Service. The revisions should correct a situation which has existed in the past wherein the FBI has been inhibited by the guidelines from getting information on groups which have a past history of violence, but which may be temporarily inactive with regard to criminal activity, even though their record of stated objectives and rhetoric indicate the possibility of future terrorist action.

While we are concerned that the Levi guidelines do not permit adequate acquisition of domestic security information, we believe it is vitally important for the Congress to recognize that not all shortcomings are attributable solely to them. Indeed, the FBI, and to varying extents other Federal agencies, are faced with a number of impediments and disincentives to the effective collection of domestic security information.

A number of administration spokesmen, as well as officials of Federal law enforcement and intelligence agencies, have already testified about the problems presented by the Freedom of Information Act and the Privacy Act on the collection, use and protection of information; and I will not reiterate them here. Changes have been recommended, and we support them. It is very important, however, that another element in these obstructions be underlined at these hearings.

Late last year, Edward G. Schmults, the Deputy Attorney General of the United States presented testimony on the importance of amending the Federal Tort Claims Act to remove the personal liability of Government officials, particularly law enforcement authorities, for so-called constitutional and other alleged torts, and instead to provide a remedy solely against the U.S. Government. Mr. Schmults aptly described the effect arising from these Bivens suits—the name of the case that led to this document was the *Bivens* case:

> The spectre of personal lawsuits depresses morals, chills vigorous and effective public action, and unfairly burdens the conscientious public official in executing his or her Federal duties.

This was a statement before the Senate Judiciary Subcommittee on Agency Administration, November 1981.

In the case of law enforcement and intelligence officers, men and women who willingly accept physical danger as part of their jobs, the public safety and our national security are eroded by the intimidating threat of lawsuits and, when suits are filed, by the resulting diversion of these people from their missions. This burden must be removed both for the good of the individual employees and for the protection of effective government.

Another real but in some ways less tangible factor in the web of inhibitions has been the political climate. Over the past several years, no Federal agent observing the highly publicized congressional investigations, the prosecutions of former Federal agents, the attendant news media attention, and the various legislative initiatives to limit their investigative capabilities further, could have escaped the feeling that security-related investigative activities were not desired by the elected authorities. Under these circumstances, a reluctance to become involved in domestic security cases is quite understandable.

Yet we must be realistic. We are living in a world where terrorists acts are commonplace. The United States, like other democratic societies, must do more than merely respond to such acts after they occur; we must defend against them by actively seeking to identify those elements of our society which conceal and nurture terrorists—whether through deliberate actions or omissions or through unwitting service to an evil cause.

We believe that in terms of domestic security, the Federal Bureau of Investigation is the agency with the broadest investigative mandate and, thus, the greatest capability to develop the kind of information necessary for this task. That responsibility was recognized by the Warren Commission in its "Report on the Assassination of President Kennedy," and it is our hope that the guidelines for the FBI's domestic security investigations and the other impediments to that type of investigative activity will be amended to insure that it may continue without undue constraints.

Mr. Chairman, I hope our testimony today contributes to a better understanding by this subcommittee of the intelligence needs of the Secret Service and the relationship of the FBI's domestic security investigations to them. I also want to emphasize that the Treasury Department and the Secret Service remain vigilant to insure that our activities and those we seek from the FBI do not result in the wrongful infringement of individual rights.

As the personal liberties of individual citizens are precious, so is the openness and stability of our political system. As there is a right to privacy, so there is a right to domestic tranquility. As individuals have the right to express themselves, so the public has the right to expect from its elected officials uninterrupted, effective service free from excessive concern for their physical safety.

We are committed to achieving this fundamental balancing, to using the best means available to assure the American public that our political machinery and the character of this Nation will not be afflicted by assassinations or other acts of terrorism and, further, that the climate of terrorism will be kept at the lowest possible level so that the President and other political and governmental figures may function without intolerable restrictions on their physical movement.

That concludes my statement. Following Director Simpson's remarks, my colleagues and I will be happy to answer any questions that you or any other members of the subcommittee might have.

Senator DENTON. Thank you very much, Mr. Walker.

We will now have the opening statement of the Director of the U.S. Secret Service, John R. Simpson.

Mr. SIMPSON. Mr. Chairman, it is a pleasure for me to appear here today to discuss the Attorney General's Guidelines on Domestic Security Investigations. The demonstrated interest of this committee in this important issue is something which we in the Secret Service applaud and welcome. You have our thanks.

Since the traumatic events of March 30, 1981, the Secret Service has had occasion to analyze all aspects of its security effort, to assure that we are doing everything possible to provide for the protection of the President. Foremost among our efforts in this regard was a review of the interplay between the Secret Service and the FBI. This review, and the exchange of ideas between our agencies, has proven most rewarding by instilling in both agencies an even greater understanding and respect for one another. On a more practical level, we feel it has enhanced the focus of information coming from the FBI to the Secret Service. In sum, our relationship with the FBI has never been better.

In connection with this exchange of ideas, we have, of course, had occasion to discuss the statutory and policy controls under which the FBI collects information. Among these controls are the Attorney General's guidelines.

It is my intention in appearing before this committee today to express the concerns of the Secret Service with the domestic intelligence-gathering policies reflected in the Attorney General's Guidelines on Domestic Security Investigations. Quite simply, it is my view that the guidelines, as presently structured, impose an unrealistic and unnecessary barrier to the collection of essential information.

As the guidelines are written and interpreted, a preliminary investigation by the FBI, the lowest category of domestic intelligence investigations, will not be undertaken in the absence of an allegation or other information indicating that an individual or group will use force or violence in violating a Federal law. Such a policy, in my view, falls a little short of telling a police officer to patrol with his eyes closed unless and until he is hit with a brick. Unfortunately, as the history of assassinations points out, such an after-the-fact response is likely to be too little and too late.

I would hasten to point out that I am not suggesting a domestic intelligence gathering policy not strictly in conformity with the first amendment. What we would hope to see recognized by the guidelines, however, is the fact that the Government cannot make intelligent and informed decisions concerning potential sources of political terrorism in a vacuum. It is only with a broad-based knowledge of what is happening in society at large that good decisions concerning the focus of law enforcement resources can be made.

The Secret Service, of course, takes great pride in its sensitivity to first amendment issues. Perhaps to a greater extent than any other law enforcement organization in this country, we are called upon daily to strike a proper balance between the rights of individuals and groups to express their views and the need for security. This is indeed a fine line to be walked. It is, of course, one not to be avoided but rather one to be recognized and dealt with as a fact. This is something which, I feel, the Secret Service has done with great success.

A similar fine line exists in the area of domestic intelligence-gathering techniques. The experience of the law enforcement community, regarding alleged excesses in this area, has instilled a great deal of caution in those called upon to confront these domestic intelligence issues. The guidelines are, to a substantial degree, an outgrowth of this caution. They provide, in effect, a framework within which operational officials can function without undue fear of a lawsuit or other sanctions. As a result, however, we have made our own work all the more difficult by creating a barrier to the collection of information short of any contemplated by the first amendment.

We also recognize, of course, that the restrictions imposed by the Privacy Act play a role in determining the nature of domestic intelligence collection efforts. While this is true, it is also true that the present guidelines, as written and interpreted, impose restrictions beyond those contemplated by the Privacy Act. It is our view that so long as there is a demonstrable need for the collection of such information, no such artificial barriers should exist. The Privacy Act does not require the existence of a criminal case to justify the creation of a record by a law enforcement agency. Neither, in our view, should the guidelines. Further, of course, the Privacy Act applies to individuals, not groups. Good cause does not exist to expand these limitations.

What direction then would the Secret Service hope to see a revision of the guidelines take? As a consumer of intelligence data, quite obviously, we would hope to see the guidelines maximize the flexibility available to the FBI in domestic security reviews. As Director Webster observed in his testimony before this committee last June, the quality of the information received by the Secret Service from the FBI has probably improved since the creation of the guidelines. They have focused the interests of the Bureau in a relatively few areas. While true, this is of course a double-edged sword. The improved quality is certainly desired, but not at the expense of information relating to potentially dangerous groups who have not overtly expressed their intentions. It should not be necessary for us to await an overt indication of potential violence to learn what a group might be planning to do.

On this same point of quality versus quantity, I would sincerely hope we can avoid getting into a numbers discussion. Suffice it to say that the flow of information has diminished from what it once was. What information the Secret Service is receiving is of high quality. What concerns us is not the reduced volume but that the threshold required for investigations and the use of certain investigative techniques is too high.

As Senator East observed in a prior statement before this committee, it is sometimes essential to aggressively ferret out criminality. Clearly, this is true regarding individuals intent on focusing as little attention as possible upon their activities. This, of course, holds as well in the domestic intelligence area, as any other. It is a fact of life that the individual or group most intent upon truly dangerous conduct is least likely to indicate that fact.

We would hope to see a modification of the guidelines which would permit the collection of information enabling us to determine that a particular group poses no danger to our protectees as well as those groups that are a danger. This is not, of course, to say that we want information negating the risk factors relating to every group in the country, but simply that the guidelines should not unnecessarily limit flexibility in the area.

In collecting information, the flow must be a constant one. Shifts in group direction, planning, and so forth do not occur overnight. Further, on the practical side, the FBI obviously cannot flip a switch to obtain information but rather must cultivate a system which can produce information when it is needed. This requires providing the FBI a framework for an ongoing effort to collect information, not one which is begun only when a situation heats up.

It is also important that we focus attention on the fact that the problems in this area are not entirely a product of the guidelines. Rather, the guidelines are simply a tangible representation of the philosophy and policy decisions which gave rise to them. Any modification of the guidelines which is not supported by a similar shift in this foundation will not produce the desired result. The concept that national policy requires noninvolvement in domestic intelligence must be counteracted.

In this connection, I could not emphasize too strongly the fact that it is the agent or officer on the street who must receive the assurances of his employer that his good-faith efforts will be supported. More importantly, and for this we must turn to the Congress; it will require a modification of the Federal Tort Claims Act, or similar legislation, to remove the spectre of retaliatory litigations and personal liability with which these individuals are confronted on a daily basis.

The FBI, the Secret Service, and the various other agencies of the Federal law enforcement community are staffed by men and women who willingly risk their lives to defend the laws of the United States. While this risk is willingly confronted as part of the job that needs to be done, it has also become increasingly common that these individuals are also confronted with the potential financial ruin of their personal lives as a result of their employment. Though the percentage of successful lawsuits in this area is low, a reflection in large part of their lack of merit, these percentages offer cold comfort to an employee who must explain to a spouse and family that he or she has been sued.

As important as a modification of the guidelines would be, of equal importance, in my view, would be a successful legislative initiative to remove these concerns.

Further, consideration should be given to changing the statutory climate in which the guidelines grew. I am referring, of course, to the modification of the Freedom of Information and Privacy Acts in order to encourage domestic security efforts. Certainly it is important that citizens know what their Government is doing and that they be assured that the records it maintains are accurate and appropriate. These goals, however, must be placed in balance with the other interests of a free society. At the present time, these acts, in my view, inhibit the collection and exchange of information. We hear frequently that foreign governments, and even occasionally State and local agencies, are reluctant to share information with Federal agencies due to the perceived inability of the Federal agencies to assure them that the information will not be disseminated. These kinds of concerns are antithetical to an effective domestic intelligence effort.

In conclusion, I would hope that everyone understands that the Secret Service and the FBI are, in many respects, the closest of agencies. We hold the FBI in high regard. I would certainly hope that my testimony is recognized in the spirit in which it has been presented; that of a free and open discussion of the issues of mutual concern. We look forward to continuing this dialog with the FBI and the Justice Department in connection with their review and possible modification of the guidelines.

I would like to thank this committee for their concern and support, and I would be pleased to respond to any questions that they might have.

Senator DENTON. Thank you, Mr. Simpson.

I want to assure everyone that I am as interested in retaining our first amendment rights as anyone. The question before us is how to do that while, at the same time, providing for greater flexibility in domestic security investigations.

There have indeed been successes in the investigative activities of the FBI and the CIA.

It is my impression that the guidelines, as they are written, are generally capable of broader interpretation in some cases. An important aspect of the overall problem with the guidelines appears to be the application of overly conservative interpretations by the FBI, and by others who emulate the FBI, in order to be sure that they are not violating or stepping over the lines of the protections which are intended. I believe this overly conservative interpretation, which reaches all the way to municipal levels, has resulted in a less than adequate performance, less than adequate security protection on the part of those agencies responsible for security. It starts with the guidelines and I believe they need another look.

There may be need for language which clarifies the spirit of the guidelines, which spells out the spirit rather than trying to be too definitive about the letter of the law.

I understand from your testimony, and from previous testimony, that these guidelines, to the degree that they are flawed, are not the only problem. There are also adjustments needed to the Privacy Act, the Freedom of Information Act, and the Federal Tort Claims Act, yet all of these must be approached with great care with respect to preservation of first amendment rights. But there must be a balance to protect other considerations such as national security and to protect the likelihood that we keep the first amendment freedoms in this country.

I would have to agree with Mr. Walker, when, on page 10 of his testimony, he talks about "the web of inhibitions has been the political climate." He further mentions the publicized, "the highly publicized congressional investigations, the prosecutions of former Federal agents," which is directly related to the need for amendment of the Federal Tort Claims Act. The attendant news media attention, I would place that first. I would say that the news media are well aware that they are establishing the political climate. I have talked to the heads of the networks for the past 8 years, and to top people in journalism ownership, and they will look you in the eye in private and tell you that they are running this country. "We are establishing the political climate; we are posing the issues the way we pose them."

Now, I have no problem with that general situation, but I do have a problem when one of the main owners of a newspaper, an owner whom I respect, seems to have a belief that the best attributes going for the media today are those which obtained in the 18th century; namely, irreverence and antiestablishment arianism. Being irreverent and being antiestablishment, that is healthy and that is the way it always has been. But, what is new is that we have three corporations going into 98 percent of the homes of the United States, all giving one side of the news. We have, in too many cases, one metropolitan newspaper in the major cities of this country. There is a first amendment requirement that there be freedom of the press, but the public is entitled to a balanced presentation, especially with respect to matters that affect security. I believe this matter should be examined closely by the people who are in responsible positions in the media.

I will limit myself to just a few minutes and ask Senator East to do the same so that we can continue with different categories of questions and submit, after a reasonable interval, the rest for response in writing. These questions are for Mr. Simpson and Mr. Walker.

In your opinion, is it important for the executive to be aware of the nature of organizations which openly show hatred for our system and advocate its destruction by violent revolutions?

Mr. SIMPSON. Mr. Chairman, are you referring, by the executive, to the branch of Government and not particular individuals?

Senator DENTON. Yes; the broader connotation.

Mr. SIMPSON. Yes and no. Yes, we are definitely interested in that type of group, and no, that is not the only type of groups. They cross over a threshold very easily, and get into areas where they would cause us to be concerned about the particular designs that they might have to cause either physical harm or disruption in a violent sense, to the areas in which our protectees might be traversing on any given day or time.

Senator DENTON. Mr. Walker, do you have any comment on that?

Mr. WALKER. Mr. Chairman, I think it is fair to say that groups which espouse doctrines of hatred, which are truly radical, and yet which have not manifested their views in the form of acts of violence, are of direct concern to the Secret Service.

We need to find out about such groups so that we could take action before the act occurs. So that we can make decisions about locating our resources, and indeed give advice in terms of the movement of protectees.

We would prefer, definitely, to be able to do that on the basis of advance information, as opposed to having to wait for some attack.

Senator DENTON. OK; is there any value to collecting intelligence about such groups, while those groups are still in a relative passive posture, or should investigations be delayed until the first bomb is thrown, or is about to be thrown?

Mr. WALKER. Well, Mr. Chairman, I think there is definite advantage to be able to get information on these groups while they are in a more or less quiescent state. If we know what their attitudes are, and what their intentions are, then we can take appropriate actions.

When we know that our protectees are in the vicinity of these groups, and the first bomb may be the bomb that causes damage, so we would like to have advance information.

Mr. SIMPSON. We are in a preventative business, Mr. Chairman; we are not in a reactionary business. We hope to have the tools available to prevent anything like that happening.

Senator DENTON. That is a very important point. The fact that we have not seen the widespread terrorism in the United States like we have seen in Italy, Germany, Turkey, and some of those places, is certainly not, in my opinion, due to the fact that we have taken precautions to protect against it. It has to do with their sense of timing and desire as to when to act.

Director Webster stated in his prepared statement before the subcommitteee that he believes that our domestic security investigations today are best understood if they are viewed as another form of criminal intelligence. He further stated that terrorist groups should be pursued as organized criminal intelligence.

Can, in your view, domestic security investigations be handled properly and effectively when viewed and pursued as another form of a criminal activity?

Mr. **WALKER**. Mr. Chairman, I am not entirely clear on what the Director meant there. If what he meant was an inclination toward a course of conduct which would result in laws being violated, was sufficient to warrant such an investigation, then I think we are not too far apart.

If, on the other hand, he was suggesting that crimes actually have to be committed before an investigation can be instituted, then I feel differently. I think I differ with him on that score.

I am not entirely clear, really, just from reading the transcript, which I have read, as to what the Director was referring to at that time.

Senator **DENTON**. I think the basic distinction that we were trying to draw in that question is whether or not, rather than proceeding in the manner in which a criminal is investigated, one would not have to adopt a different philosophical approach in order to achieve a preventive result.

Mr. **WALKER**. Yes; I think that that is right. Because basically we need the type of investigation where you are not just reacting to a crime, and trying to find out who did it, and what his means were, and who his cohorts were, as in the case of the investigation of a criminal act, such as a bank robbery, or something of that sort.

Now, instead, what we are doing is trying to get a flow of information about groups which advocate a certain ideology and espouse a certain philosophy that would lead to violent acts in the future. So I think that there is a distinction to be made.

Mr. **SIMPSON**. There is a commonalty when you get into the investigative techniques that would cover both areas.

Mr. **WALKER**. Yes; and I think we would feel that an agent of the FBI probably ought to be qualified to do both kinds of investigations. Basically, both involve obtaining facts and making deductions from those facts, about behavior of people. On that basic level, I think we are talking about the same thing.

Senator **DENTON**. Well, then before turning the questioning over to Senator East, I think this could be a yes or no answer.

It appears that you agree that there are sufficiently important differences between the two types of investigations, that there is sort of a combination approach required here.

Mr. **WALKER**. Yes. I think that is a fair statement, yes.

Mr. **SIMPSON**. I would agree.

Senator **DENTON**. Senator East?

Senator **EAST**. Thank you, Mr. Chairman.

I would just like to clarify for the record then, as I understand both of the witnesses this morning, you are in basic agreement that the Levi guidelines are an obstacle to an appropriate and needed flow of information that you need to perform effectively the respective responsibilities that your offices have, is that correct? Am I understanding you correctly on that?

Mr. **Walker**. That is correct, yes, sir.

Mr. **Simpson**. We think that the threshold for the investigations is too high, Senator, yes.

Senator **East**. I think you, Mr. Simpson, make a good point, that we need to keep in mind, in evaluating this problem of the flow of information, that certain entities of the Government, your primary emphasis and priority has to be upon prevention, obviously.

We know if people shoot the President and kill him, we can probably apprehend them, and bring them to trial, as we have done with Hinckley, with mixed results perhaps, but as you are saying, your primary responsibility is to prevent the crime to begin with, and I think one would be hard pressed to say that is not a very understandable position to take, and in order to prevent, as opposed to apprehending, and enforcing the criminal law after the fact, that in order to prevent, first, you have got to have an adequate flow of information about the types of persons or organizations that might conceivably indulge in this sort of activity, and I would simply note as a matter of casual observation that the assassinations that we have had in this country, of late, beginning with the assassination of President Kennedy, and then the assassination of his brother, and the assassination of Martin Luther King, and the attempted assassination of Vernon Jordan, and the attempted assassination of the President of the United States, and the attempted assassination of George Wallace, and ad infinitum, the list continues to grow, that these tended to be rather ideologically motivated people.

In many of these cases, if I am not exaggerating the point too much, one common thread that runs through them, tends to be a certain, however perverted, fanatical ideological motivation that, again, the removal of the Levi guidelines would not guarantee their apprehension, but at least we are hoping, would, as you have said, increase the level of flow, and up the threshold by which you might conceivably detect, and hence prevent, which is your primary responsibility.

I would just like to note as a corollary to that in passing, you have all commented on it, and Senator Denton has appropriately done so too, about first amendment rights. I do not mean to get unduly philosophical about it. I think it is important to remember that governments have a variety of responsibilities, they have a responsibility of protecting freedom, they have the responsibility of protecting security, they have the responsibility of promoting justice, and there are a whole variety of concepts that make up the range of the mosaic, if you will, of things that governments must do.

I think if you take one element out of there, and elevate it to the first principle, and exclude everything else, you are going to have a very open form of government, for example, if you took freedom and made it your only preoccupation, you would ultimately have anarchy, and I would submit ultimately lose your freedom, ironically.

So I would argue that not only is it a question of balance, which of course is true between freedom and security, et cetera, but also, in this case, I would contend very strenuously that adequate, well-conceived security, and that is what we are talking about, is a condition precedent to freedom, because if a society cannot guarantee security to its members to be free in their person and property from violent assault, I question the degree to which freedom exists in that society.

So I do not think it is a matter, really, so much of balance, though it is that, I do not think it is so much a sacrifice of freedom to security, although in some degree it may be that.

Healthy government always requires balancing. But, indeed, I would contend more fundamentally that adequate security is a condition precedent to freedom; otherwise you have anarchy, and the potential for the law of the jungle, and I dare say no one has freedom in a brawl, if I might put it in those terms, with just gratuitously adding that aside.

The final point I would like to ask Mr. Simpson, Mr. Chairman, and then I will let you get back into the fray here, you very rightfully—and Senator Denton has alluded to that, too, and he brought it up the last time, lest we lose sight of it—there are things that we could do, or at least propose, beyond the modifications of the guidelines.

I mention the Privacy Act, the Freedom of Information Act, the Federal Torts Claims Act, the value of an FBI charter, dealing just with domestic security investigations. We have mentioned these things.

I am not asking you to recite them. I would be interested in your thoughts, either you or the other witness, Mr. Walker, whether you would have, since the legislative process works slowly and unevenly around here, would there be any priority you would suggest out of this grouping?

Would one or the other, or a combination thereof, seem to be more useful as avenues to pursue, and again, in addition to the guidelines, which has been the primary preoccupation of this subcommittee?

Mr. SIMPSON. I gather, Senator, if I am not incorrect, the Levi guidelines, so called, are not involved in a legislative process, and can be a fairly easily changed.

Senator EAST. Precisely. Yes, precisely, leaving the Levi guidelines aside, which has been our primary occupation, and that is correct, that would be an administrative decision, the Treasury Department, the Justice Department, and so forth—the Justice Department, the FBI, the administration generally, and that is right, that would be administrative.

But talking about things that we might do via the legislative process beyond that, or there might be other administrative changes that could be made that might be of interest, too, that we are unaware of.

My point is that we probably would want to look at the whole range of things that might be done to strengthen the intelligence gathering capability of the FBI, not merely the guidelines that can be changed administratively, but again legislative changes.

In these possible legislative changes that we have alluded to this morning, and we referred to several of them before in our hearings, would you attach any particular priority to one or the other, or are they all of equal importance?

Which ones would you say ought to be addressed first, and most vigorously?

Mr. WALKER. Senator, we highlighted in our statement the Federal Tort Claims Act, and the so-called Bivens problem. The chairman, a minute ago, referred to a kind of spirit of conservatism in law enforcement in interpreting the guidelines, and in going about their investigative tasks.

Now, if agents are reluctant to pursue investigations and take a conservative interpretation of the guidelines, it is not because these agents do not care about security. It is not because they are somehow unpatriotic, or do not want to do their job. It is because there is an atmosphere of constriction placed upon them, and I frankly am sympathetic to an agent who takes a conservative view, if in fact he feels that by taking a more open view of the guidelines, a broader interpretation, he is going to get sued, or criminally prosecuted, and you know these agents have their families to consider, and they also want to be able to function in their jobs, free of legal harassment. When you get a situation where a radical group can bring a lawsuit against an agent, or an investigation which he may have conducted, and sue him for hundreds of millions of dollars, however little merit there is to the suit—and we have to assume that most of these suits do not have much merit—that agent still is harassed.

He has to take the time to deal with the problem, he has to explain to his family what has happened, and to me, it is an intolerable burden that is being placed now on the Federal agents.

I think that the legitimate objectives behind the Federal Tort Claims Act can be achieved by shifting the liability to the Federal Government, and off the backs of the individual employees.

So that is one of the areas that we have placed great emphasis on, and we think it is directly related to the application of the guidelines, on a day-to-day basis.

Senator EAST. Good. So that is helpful. You will put that on the top of the list.

What about these other items?

Mr. WALKER. They are all also important. They are directed at a different thing. Our concern with the Freedom of Information Act is directed at the great difficulty we have now of keeping our investigations confidential, and keeping our informants confidential, when in fact a defendant or a criminal, or, for that matter, a terrorist group, or a hostile government can come in and sue under the Freedom of Information Act for this kind of information and get it.

Senator EAST. And it dries up your sources?

Mr. WALKER. It dries up the sources. It is very hard to explain to a potential informant that he is going to be secure in his identity's not being revealed, when this kind of procedural vehicle is available to force the identity to be disclosed.

Mr. SIMPSON. We have heard this from some foreign governments also, when we were in our protective mode, and one of our principals was traveling overseas. They were a little reluctant in some instances to give the information, because of the Freedom of Information part of it.

If I may, Senator, Directcr Webster, yesterday, in San Francisco, evidently gave a speech in which the said he was encouraged by the Federal response to modify the Freedom of Information Act, under which people, including the prisoners, may apply. I am taking it a wee bit out of context, he was talking about some of the prisoners who apply for various and sundry information under FOIA, they apply to seek documents which do not endanger the national security.

I have a feeling that maybe in a reactionary posture we went from one extreme to another, and I think some balance is necessary, and I think that that is basically what you gentlemen are trying to accomplish here.

Senator **East**. One final point, if I may, Mr. Chairman. On the Privacy Act, what is your feeling about that?

Mr. **Walker**. Well, I think that it is similar, and that this act needs to be looked at, to the extent that it imposes restrictions on the gathering of information.

Senator **East**. But it trails off a little bit on your worry list, as opposed to Federal Tort Claims first, and then the Freedom of Information and the Privacy Act?

Mr. **Walker**. Well, on my worry list, but I am just one voice.

Senator **East**. I meant, obviously, from your own personal perspective and observations.

Mr. **Walker**. Right.

Senator **East**. So that is the argument you give.

I would just like to observe, Mr. Chairman, on the good point Mr. Walker makes, that I can see there is a climate not only from the Levi guidelines, the Federal Torts Claims Act, somewhat not so subtle intimidation on agents, not to be particularly aggressive in what they are doing, if it promotes a certain amount of timidity, and I suppose understandably so, which I think is unfortunate.

I noticed recently the Attorney General, just as a contrast, was defending the Abscam investigation, in which he noted, for example, in most cases there is only one way for law enforcement to apprehend such criminals, and to deter such crimes. It must interject its agents into the midst of corrupt transactions, it must feign the role of corrupt participants, in short, it must go undercover. It must be innovative. Our techniques must be as sophisticated as those we catch, and we intend to uncover, prosecute and deter, and so on, and so forth.

Now, it shows a very aggressive attitude in rooting out bribery, crime, corruption, from high public officials, and I applaud it, and have not seen any editorial criticizing that particular attitude.

I was curious, though, if you begin to put your focus upon this problem of ideologically motivated groups and individuals engaged in potential violence, again threatening security, and bringing about terrorism, and so forth, then all of a sudden we throw up this phalanx of things, including the guidelines, which tend to create a timidity on the part of the FBI.

I dare say if the Attorney General had said that, vis-a-vis the Levi guidelines, the need to get at terrorism, there would be a rain of editorials coming down upon him, as making a frontal assault upon the first amendment.

Again, I am just trying to put it in perspective. I do not see any less priority, as I would view it, Mr. Chairman, any less priority or need to try to monitor, to keep track, to understand the nature of threats to our internal security; it is of equal significance.

I see no reason to put it in a secondary position to that of trying to ferret out crime at highest levels of Government. If one would make a distinction there, I think it would make for fascinating discussion, but at this point the distinctions elude me. So I agree with you, we have got a problem of bureaucratic timidity and inertia, brought about by the Levi guidelines, as well as some of these other legislative deficiencies, which simply deter agents from being effective in this area. I think that is what this whole set of hearings is all about.

Mr. SIMPSON. If I may, Senator, the law enforcement profession is a noble one, and I think in some respects it has been painted with a tarnished brush.

Senator EAST. Pardon?

Mr. SIMPSON. The law enforcement field is a noble profession, and I think that in some particular areas it has been painted with a brush that has showed it less than what it really is.

Without law enforcement in this country we would be in a sad condition.

Senator EAST. Well, I think I would agree with you that there is a tendency to belabor and belittle, to a point of impairing the wellbeing of the country.

I regret, Mr. Chairman, that we are now in the process of taking a vote over there, and I think I am going to have to leave in order to make the rollcall, but I would like to thank you again, and these gentlemen for coming, and I shall cease and desist.

Senator DENTON. Thank you, Senator East.

Regarding the point you made, Mr. Walker, respecting the inhibitions imposed upon the agents themselves by the thought of being sued, I would observe and ask your opinion as to the validity of the observation, that not only is the inhibition felt by the agent, but in all the reality, and in view of the political climate with the news media attention, any given case in which there is a charge against the agency or an agent, has to be looked at as to its actual political effect down the pike. The heads of the various agencies know the kind of attention that such a case is going to get in the media and the way it is going to be looked at here in Congress, which therefore imposes an inhibition from the very top, as well as through the entire body of the respective organization involved.

Would you tend to agree with that?

Mr. WALKER. I would agree. I would tend to agree with that.

I think that they do operate in a political climate. The political climate is in part a function of the operation of the news media, and that clearly their actions take that into account.

Mr. SIMPSON. I think they need to take a more responsible view, Mr. Chairman, if I may.

On certain occasions we have had a situation where we had to change some techniques in order to make sure that the environment in which our protectees were operating was even more secure. Before we even had a chance to play our game, they had all of the plans out there for everybody to see.

Now, I do not think that the public particularly needs to know that kind of information, because it has nothing to do with the man on the street.

Senator **Denton**. The same kind of dangerous situation exists with respect to the national security, of which you are another part.

Mr. **Walker**. Yes.

Senator **Denton**. In other words, you would have to worry about what is going to flow politically, in view of the way in which it is going to be distorted, rather than have judgment levied on the basis of what is in the best interests of our national security.

National security considerations are too often relegated to second place. I have watched this evolve, I have watched the metamorphosis of this country from the most powerful in the world, the most secure, to a position much less efficacious than that, and I am very concerned about it.

Mr. **Walker**. Mr. Chairman, if I might.

There is one other comment that I think is pertinent to your remarks, and that is that the flow of information, interestingly enough, that we get, is better with respect to foreign intelligence than it is with respect to domestic intelligence.

And, for instance, if the President is going to be taking a trip abroad, we will be able to get intelligence of a much higher and more specific degree, than we can if he is going to some place here in this particular country.

I think this is just a point that is worth making at this time.

Senator **Denton**. Especially since their guidelines are less restrictive than ours, and I would challenge anyone to say that they are that much less democratic.

Mr. **Walker**. Right.

Senator **Denton**. I will now turn the questioning over to Mr. Lisker, because I now have 7½ minutes to get to the Senate floor and vote.

Mr. **Lisker**. With respect to the last point, I think the point for the record was that the foreign counterintelligence guidelines which the FBI operates under, which are classified, are less restrictive than the so-called Levi guidelines.

Mr. **Walker**. Let me say, without getting into classified material, that we receive a better flow of intelligence with respect to foreign activities than we do with respect to domestic ones.

Mr. **Simpson**. The Congress is taking care of protecting certain individuals by nondisclosure of their names, which has helped a bit, and I think in the same respect, we could do something with tort claims. It would go a long way toward assuring individuals who are out there trying to do the job properly, and working very hard at their profession, that they would not later on lose whatever particular advantages that they have received over a number of years of hard work.

Mr. **Lisker**. We have done some checking as a result of Judge Webster's testimony, and we have learned that S. 1775 is in Senator Grassley's subcommittee. We are making an effort to work with his staff in trying to pry it loose, but I understand that Senator

Specter has some concern about specific provisions of the bill, and we are hoping that they can be worked out, as well.

Mr. **Simpson**. I applaud your efforts, sir.

Mr. **Walker**. Mr. Lisker, I wanted to make one point a little more clearly.

In my statement about the flow of intelligence with respect to foreign activities, as opposed to domestic intelligence, I was not so much pointing out the difference in the guidelines as saying that the intelligence community provides us with a flow of information on foreign activities as well, which greatly assists the Secret Service in carrying out its functions, and that obviously means that we have a larger base, a larger pool of information to work with when we are dealing with a foreign activity, as opposed to a domestic one.

Mr. **Lisker**. The problem seems to be that many domestic groups have loose associations and contacts with foreign groups which are not always readily apparent. We know from our previous experience in the sixties that such trips and contacts were made between certain so-called domestic terrorist organizations and certain foreign governments, and that, as a direct result of those contacts, violent activity took place in this country, which was instigated by those foreign governments. This is fine if your techniques allow for discovery of those relationships, but it is not always possible, even under the most intrusive techniques.

Mr. **Simpson**. You have to keep in mind some of these groups are very, very difficult to infiltrate, as you know.

I think, on balance, the Bureau does an outstanding job with their resources, and with all the other encumbrances that they might run into, to try to come up with intelligence that will be helpful to us.

Our particular problem is that as a consumer, and in the preventative business, we need all of the information, all of the intelligence that we can possibly obtain, in order to make sure that whatever particular environment we are going to go into, that we do the best possible physical protection job.

Mr. **Lisker**. In his testimony, Judge Webster implied that the FBI would be wasting resources trying to keep track of the John Hinckleys of the world, or of the country, in this case.

Is it not a fact that Leon Czolgosz, the assassin of President McKinley; Charles Guiteau, the assassin of President Garfield; Sirhan Sirhan, Arthur Bremer, Lynette Alice From, were all sort of mentally deranged people? Seemed to be mentally deranged?

Mr. **Simpson**. After the——

Mr. **Lisker**. I realize you were not in charge of the Secret Service.

Mr. **Simpson**. After the Hinckley trial, Mr. Lisker, I do not know who, in fact, is insane and who is not, and I believe that the American Psychiatric Association has a little difficulty in giving answers to that.

To answer your question, on any given day in the United States, there might be as many as 200,000 people who are in the same kinds of mental disarrangement as a John Hinckley, and for the Bureau or anybody else to try to maintain an overall surveillance over that number of people would be absolutely impossible.

Based upon the information that is available to the Bureau, they make sure that we get it immediately. Of all of the threats that are made against our protectees, probably 75 percent of them are made by people who have some form of mental history. Of those we consider dangerous, 90 percent have mental histories. What I am trying to say is that I think the resources that would be necessary in order to absolutely guarantee that you would not have the type of individuals that you just mentioned, walking around the United States on any given day, is darn near impossible.

Mr. Lisker. But in the case of Mr. Hinckley specifically, the fact that there was some testimony, at least, or evidence to suggest that he was a little too crazy for the Nazis to take into their circle, and the fact that he was arrested in possession of firearms while attempting to board an airplane, I think it was in New Orleans, the fact that that was not picked up, or if it was picked up, it was not disseminated in a timely way to the Secret Service, coupled with his apparent deranged condition, would it have been of value, from your perspective, to have that kind of information?

I mean, had it been in the 70 or 80 percent of intelligence which used to be disseminated, but is not now, because of the narrower focus by the FBI, and primarily due to its inability to gather, because of the guidelines, would it have been of benefit to you, do you think—and I recognize that that calls for a speculative response, but can you speculate on that?

Mr. Simpson. Well, we are talking suppositional type of a situation. One, we do not have any corroborating evidence that Hinckley ever did belong to the Nazi Party. And if in fact he did, would he have come to somebody's particular attention? We hope so, but we are not absolutely sure.

What we have to do to make sure that our environments are secure for our protectees is to implement a physical type of approach. So therefore, yes, certainly we would like to have the John Hinckleys of this world brought to our attention, but I do not know whether we could task the Bureau with that kind of responsibility, based upon my prior answer.

They do as well as they can, with the resources that are available to them, and they are very, very forthcoming as far as information is concerned. As far as Mr. Hinckley, that was in Nashville. I think that based upon the March 30 incident, and the subsequent meetings between ourselves and the Bureau, we have got a working relationship that is, in my humble opinion, and in the history that I have been in the organization, probably the best that it has ever been.

Judge Webster and the gentlemen and ladies of the Bureau have been absolutely forthcoming and very cooperative with us.

Mr. Lisker. Thank you.

I would ask anyone of the panel this question. I think it has been addressed before, but just for the record.

Is there a balance which exists between one's right to openly advocate the most violent criminal activity, and the right of a government to seek to identify and monitor those who would destroy it?

Mr. Simpson. I will leave that to my colleague, from the legal profession.

Mr. WALKER. Mr. Lisker, I think that there is, but I am not sure that I would state this balance quite the same way.

I think that under these circumstances there really is no way in which we can sustain a right to advocate a violent act or an act of overthrowing the Government. So I cannot see that as standing as a counterweight to our investigative initiatives.

Mr. SIMPSON. I think you have to be careful on that one. That is the old story about the gentleman yelling fire in a crowded theater type of situation.

There obviously, if we get into that kind of rhetoric, and it borders on something that could lead to a very violent atmosphere, then I think that balance has to be struck. I think that the general public and the Congress would expect no less.

Mr. LISKER. But you would agree that there is a balance, that the first amendment is not absolute in that respect?

Mr. SIMPSON. I think with every right there is a corresponding duty, and I do not think a right overwhelms the duty. I think there has to be some reasonable equation between the two of them.

Mr. LISKER. Do any of you think there is any benefit to reading the literature of these groups? Those, that is, who in their literature, advocate violent overthrow of the Government, or some other violent actions, or other public reports concerning the activities of the groups?

Does that have any value, from your perspective?

Mr. SIMPSON. Yes, we read it.

Mr. LISKER. You do?

Mr. SIMPSON. Yes.

Mr. LISKER. The FBI does not. Can you explain why the disparity?

Mr. SIMPSON. I think that is what we are talking about in the sense of lowering thresholds and increasing awareness levels. And if we have any reasonable disagreement, it would probably be in those areas.

Mr. LISKER. Are any of you aware of any other agencies which have been adversely affected in the discharge of their duties by the Levi guidelines?

Mr. SIMPSON. I cannot speak to that.

Mr. WALKER. Well, I can speak to that a bit, Mr. Lisker.

In Treasury, part of the responsibilities of the Assistant Secretary cover the Bureau of Alcohol, Tobacco and Firearms and the U.S. Customs Service, and those are law enforcement agencies which do get involved in investigations of violent types, or potentially violent types, concerning gun exporters, Neutrality Act violators, and the like, and very often these people are politically motivated.

Therefore, it would obviously be useful for these two bureaus that I have just described, to have up-to-date intelligence on the activities of such people. But I hasten to add, though, that the real problem, as far as Treasury is concerned, rests with the information flow into the Secret Service, because of their incredible responsibility to protect the life of the President, the Vice President, other protectees, foreign heads of state, and so forth.

Mr. LISKER. That concludes the questions for you that Senator Denton had prepared for this hearing.

On behalf of Senator Denton I want to thank each of you for your attendance here, and for your full cooperation. We very much appreciate it.

We may have some additional questions for the record. We will work with your staff in order to get those submitted in a timely way.

Mr. **Simpson**. Thank you very much.

Mr. **Walker**. Thank you, Mr. Lisker.

Mr. **Lisker**. Prior to hearing from the next witness, on behalf of Senator Denton, I want to insert into the record the executive summary and the section on protective intelligence taken from the "Management Review on the Performance of the U.S. Department of the Treasury in Connection With the March 30, 1981, Assassination Attempt on President Ronald Reagan," dated August 1981.

[The document referred to appears in the appendix to this hearing.]

Mr. **Lisker**. If Chief Herring would come forward, please?

I want to welcome, on Senator Denton's behalf, Lynn H. Herring, Chief, U.S. Park Police, U.S. Department of the Interior. He is accompanied by Deputy Chief James Lindsay and by Capt. Robert Hines, who has been very helpful to us in coordinating your appearance for this hearing. I do not know whether the three of you will participate, or whether you intend to be the primary respondent, but however you choose to respond will be satisfactory.

STATEMENT OF LYNN H. HERRING, CHIEF, U.S. PARK POLICE, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY JAMES C. LINDSEY, DEPUTY CHIEF, COMMANDER OF OPERATIONS DIVISION; AND CAPT. ROBERT H. HINES, COMMANDER OF AUDITS AND EVALUATIONS

Mr. **Herring**. I will be the primary respondent but at times I certainly may let them make comments on any of the issues that are raised.

I might mention, Mr. Lisker, that Deputy Chief Lindsey is the Commander of our Operations Division here in Washington, D.C., which has the responsibility for handling the demonstrations in front of the White House and the areas within the national park system.

Mr. **Lisker**. As I understand it, Chief Herring, you do not have a formal opening statement at this time but will submit one for the record at a later date, is that correct?

Mr. **Herring**. That is correct. I do have an introductory statement that I would like to submit at this time verbally.

Mr. Chairman, even though I know he is not present, and members of the subcommittee, I am pleased to join you today and to have the opportunity to discuss the Attorney General's Guidelines on Domestic Security Investigations, commonly referred to as the Levi guidelines. These guidelines have been in effect since April 1976 and have had an impact on the operations of the U.S. Park Police.

Mr. Chairman, due to time limitations we were unable to submit a prepared statement this morning. After departmental and OMB clearances are granted, we will be pleased to submit a statement for the record.

I would like to take a few moments to discuss the role of the U.S. Park Police. We are primarily based in Washington, D.C., with two field offices, one which is located in San Francisco and the other in New York City. Our primary responsibility is to provide a full range of police services in certain areas administered by the National Park Service. Moreover, we have responded to other areas of the National Park System for major law enforcement problems. These problems frequently involve some form of rally, demonstration, or action of a specific group. In Washington, D.C., the parks are administered by the National Park Service. These parks and monuments are an integral part of the seat of Government. We provide police services for groups engaged in protests, demonstrations and other public gatherings on a daily basis.

When a demonstration permit is issued, we use the following steps to determine the police resources necessary to manage the event:

One, previous experiences.

Two, what is their track record? Were they violent? Did they honor the prior permit conditions? How many were arrested?

Three, what numbers of people will they have?

Four, the location that they want to use.

Five, the purpose and how it relates to the national and world situation.

Six and last, we ask the group if they anticipate any problems or violence.

We are without any hard intelligence information concerning groups, their leaders and key members who are issued protest and demonstration permits. The educated guesses we make in preparing for these types of events require that we rely on local news media publications to gain insight. Therefore, we have to deal with these groups based on limited, unvalidated information. The nightmare of all police commanders in managing demonstrations is that we will be faced with injuries and deaths caused by a surprise terrorist attack.

Mr. Lisker, I appreciate the opportunity to be here this morning, and I am ready to discuss and respond to questions that you or the other members of the committee might have.

Mr. LISKER. Thank you very much, Chief Herring.

I take it from your informal opening statement that the Levi guidelines, as we have come to call them, have had an impact on the operation of the U.S. Park Police given the need for timely intelligence with respect to organizations and groups involved in demonstrations.

Mr. HERRING. That is correct.

Mr. LISKER. In what way have they impacted on your operations?

Mr. HERRING. Well, prior to April 1976—the Levi guidelines—we would obtain more information, hard intelligence might be a way I would express it, on the various groups that we anticipated in the demonstration. Therefore, as stressed earlier by my colleagues from the Secret Service, that would give us an opportunity to plan for the necessary manpower allocation to provide for public safety and protection.

Without this information, it is very difficult to know what to anticipate, so you can only plan according to the information that you have at hand.

Mr. **Lisker**. Using the very well publicized, large Iranian demonstration which occurred in mid-November 1977, as an example, could you explain to the subcommittee the problems which the Park Police have had without the benefit of complete intelligence from the FBI?

Mr. **Herring**. Yes; you are referring to the anti-Shah and pro-Shah groups that were demonstrating when the Shah was present?

Mr. **Lisker**. Yes.

Mr. **Herring**. When the Shah of Iran was at the White House with President Carter, at that time, we did not have any information concerning the probability of violence by the anti-Shah group. Of course, the subsequent disorder did, as you are well aware, receive widespread news media attention. In order for us to bring the group under control, we had to utilize tear gas which naturally attracted national attention.

One of the things that I might mention is that due to the lack of this information, and I might add without prior experience with this particular group, we could not know the anti-Shah group was armed with 2 by 4's, wooden sticks, and closet dowels, that were used as clubs; and, in some cases, they actually had ½-inch-thick plastic shields that were camouflaged as placards and signs. Until the actual violence and civil disorder took place, we were not aware that these signs were actually protective shields. These two groups were basically in the Ellipse, they were separated, one on the east, one on the west. And, of course, the police line was in between the two groups. At one point, without any provocation whatsoever, the anti-Shah group attacked both the police, anyone who was in their way, in fact, and the pro-Shah group with a very severe assault, causing and inflicting many injuries on the pro-Shah demonstrators as well as many of our officers.

Mr. **Lisker**. Are there any other examples of demonstrations or protests which have had a violent aspect that you can cite?

Mr. **Herring**. More recently, in January 1979, when the Chinese Vice Premier, Teng Asiao-Ping, visited the United States, there was supposed to be a welcoming committee for the Vice Premier. As it ended up, there were people within that group that—from the information that we later received—were at least associated with the Revolutionary Communist Party, called the RCP. We did not have, I might add, information prior to this event. We were caught completely by surprise. Most of these participants were carrying water-soaked handkerchiefs and missiles. They carried clubs with railroad flares affixed to the ends and bags of marbles that they used against our horse-mounted officers to hinder the effectiveness of the horses. The demonstrators threw rocks, bottles, fish hooks, fish hook weights, and metal fragments. They had nails made which were soldered together like stars, so that regardless of the direction that they were thrown, you would be pierced with a pointed nail. We also discovered two Molotov cocktail pipe bombs which did not ignite during the assault—the attack. In this particular incident, we also had many officers who were injured.

Mr. LISKER. Now, what resources do you have in your service allocated for the collection of intelligence and analysis of that intelligence on groups such as those involved in these violent demonstrations?

Mr. HERRING. I might say that we are certainly probably even more a consumer for intelligence than our counterparts the Secret Service. In these austere times, in the U.S. Park Police, I have only one detective who has collateral duties as our intelligence officer. So you can see that does restrict, quite a bit, our capability in trying to gather or obtain intelligence.

Mr. LISKER. He must work very long hours.

Mr. HERRING. Yes, he does.

Mr. LISKER. Under what circumstances would the Park Police deny a permit for a demonstration?

Mr. HERRING. Well, actually we do not deny a permit for a demonstration. In order for us to deny a permit for a demonstration we would have to give proof that a clear and present danger existed, and as I am sure you are fully aware, that would be very difficult to prove to anyone in court or otherwise. I think the last time we had any type of litigation or action in that sort of thing was back in the 1920's. This makes it very difficult. So, in fact, from a practical standpoint, people that apply for demonstration permits do receive them.

Mr. LISKER. So that if the Revolutionary Communist Party, for example, which has somewhat of a track record for being on the scene of demonstrations which turn violent, should apply for a permit to demonstrate, you feel that you would be unable to meet the clear and present danger test and therefore would grant the permit; is that correct?

Mr. HERRING. Yes.

Mr. LISKER. The application for the permit?

Mr. HERRING. We could not deny it under that circumstance.

Mr. LISKER. So that this burden, which you have not successfully met since 1920——

Mr. HERRING. Not necessarily us.

Mr. LISKER. Well, or your predecessors have not met since 1920, is not enhanced by the fact that you are not getting intelligence from either the FBI or this poor guy that has the job in your service?

Mr. HERRING. I might add that we do get excellent cooperation from the FBI as far as our working relations are concerned. Our relationship with the FBI, I do not think, has ever been better. However, as to the fact of information gathering and providing needed information prior to a possible violent demonstration, as I stated earlier, we do not get the kind of information that we did prior to the Levi guidelines.

Mr. LISKER. I think it goes without saying and it is beyond question that the FBI is certainly the primary or lead law enforcement agency among all the law enforcement agencies of the Nation.

What is the practical effect of this on State and local enforcement agencies where the FBI is compelled to operate under the Levi guidelines? I should say, do the State and local agencies feel a need to emulate the guidelines and even perhaps outdo the FBI in terms of the strictness of the guidelines which they adopt?

Mr. **Herring**. Well, I might break the question down into two parts.

As far as the Federal law enforcement agencies are concerned, of course, we are obligated to emulate the restrictions of those guidelines. And therefore, to my knowledge, the Federal entities do conform with the Levi guidelines.

As to the States and the municipalities, while they may not be under those guidelines, they often emulate the FBI. Of course, you can recognize that those areas and organizations are also concerned about tort claims and lawsuits. They also use, from the information that I have gathered from other agencies, to some form and extent, the limitations placed by the Levi guidelines, even though they are somewhat modified to meet their own individual State or municipal law regulations.

Mr. **Lisker**. Tomorrow we will have testimony from representatives of the Metropolitan Police Department which have very similar guidelines in terms of language and yet I think we will see that their method of approaching the same problems that the FBI might be called upon to approach with respect to domestic organizations is somewhat different. They seem to be adhering strictly to the plain language of the guidelines rather than imposing some sort of stricter interpretation on the language itself, thereby resulting in a much more narrow set of rules for operational purposes.

Mr. **Herring**. Yes, I think that is true, but I think in the previous testimony it was stated that the feeling of many Federal officers in law enforcement is that the harassment of many civil litigations upon the individual officer and his family, has somewhat, even if it is not conscious or subconscious, inhibited him in exercising his authority. They fall in what we call a buffer zone and they are going to play it safe.

Mr. **Lisker**. This abundance of caution that some agents and police officers feel compelled to impose upon themselves, in an effort to protect their property and their families from undue hardship, might not be alleviated by a change in the guidelines. I mean after all, guidelines are just guidelines. They are not law. I am wondering even if the Department of Justice working together with the FBI develops more liberal guidelines, I do not see that that, without subsequent legislation, or a charter, would change the vulnerability of those who are compelled to operate in these areas to any degree. It seems to me if you are out on the line, as most of these fellows are, and you have got a set of guidelines, they are not going to insulate you very much from a lawsuit, harassment or otherwise, by those who feel aggrieved because there is no law or official statutory code of conduct by which you are obliged to act which would serve as a complete defense to a lawsuit, along those lines.

Mr. **Herring**. I agree with your comments. I tend to agree with the prior testimony of Mr. Walker and Director Simpson, in that there is a need for some changes, legislative changes, in the Federal Tort Claims Act, and certainly without changes in the Federal Tort Claims Act, there will be no remedy to the problem that we just cited. I think relaxing the guidelines would help to a certain extent, but at the same time, without any action being taken on the Federal Tort Claims Act, you are still going to have the same problem.

Mr. **Lisker**. So what you are suggesting, I take it, is that there needs to be a unified series of changes in several areas, in order to accomplish the objective, which would be to have more and better quality intelligence gathered for law enforcement.

Mr. **Herring**. Yes, that is correct.

Mr. **Lisker**. The FBI is prohibited under the Levi guidelines with respect to reporting on civil disorders and demonstrations involving a Federal interest, from photographing any demonstration, or the preparation of the demonstration.

Apparently it was felt that this would somehow chill the demonstrators.

Could you explain in what way the photographing of demonstrations has assisted the Park Policy in the discharge of its responsibilities?

Mr. **Herring**. Well, prior to the Levi guidelines, we received, on occasions, many photographs of individuals and groups that had caused violence and civil disobedience in other towns or areas throughout the United States, even in other countries, in some cases.

By having these photographs, of course, as stated earlier, it would indicate the probability of violence. If we had word or information that some of these groups or individuals were coming to this particular city, and if they did, in fact, come to the city, and were participants in the demonstration, it would certainly place us in a better position to be proactive. I think that was what Mr. Simpson was saying; namely, that prevention is certainly much better in the police line of work, or protection, rather than having to be reactive, and then, after the disturbance and violence has taken place, try to apprehend, and make an arrest, and stop the violence.

In this particular case, we have found in the past, that many times we have a demonstration involving a very peaceful organization that has no record at all of any violence or civil disorder. But some of the people will infiltrate, by whatever means, covertly or overtly, and they will use this peaceful organization as a shield, in order to promote civil disorder or violence.

This sometimes does occur, and this is an aspect that we have experienced, and with this kind of information, sometimes you can take some preventive steps. You can perhaps isolate those particular individuals, or subgroups within the demonstration, and keep them from their goals and objectives.

Mr. **Lisker**. There is a history of organizations which started out as peaceful, constitutional, in the sense that they would abide by provisions of law, but which have been targeted and infiltrated by Communists and other subversive groups, in an effort to exploit the good name of the organization, and turn it to their own advantage. The FBI has clearly established, during the period of the forties and fifties, that this was a pattern that occurred over and over again.

Mr. **Herring**. We do not have the capability to investigate and identify, to state as a fact, but we can state that we have observed many groups in an organization, among the peaceful organizations that are demonstrating, which will, for instance, have handouts and literature that represent the RCP and the PLP and other organizations and who propose their particular goals and philosophies.

So while we cannot say that they have infiltrated that particular organization, we can say that they do take part, and are part of the larger group in demonstration.

Mr. LISKER. When a demonstration occurs here in Washington, and it is under the auspices of a so-called umbrella organization, is it your experience that, many times, groups who are not necessarily interested in the issue which is the focal point of the demonstration, but who are anxious to seize an opportunity to demonstrate, to publicize their issue, or to partake of any publicity which might be generated in connection with the primary issue, is it your experience that groups will come to Washington and join these groups in the form of a coalition?

Mr. HERRING. I think the proof of this might be an earlier illustration that I gave in the pro-Shah and anti-Shah groups. Of course, I cannot state what the primary objective, the mission of that organization was, and is, but in the action that took place, we could clearly state that obviously it was to embarrass the Shah, thereby embarrassing our Government somewhat.

Also, the objective was to create violence and disorder, so that they could get national attention, whether it was electronic media or otherwise, and consequently the end result is just as you stated.

Mr. LISKER. You have stated that the Park Police needs more information about militant groups, both extreme right and leftist organizations.

Based on the experience of the Park Service, how many groups are there in Washington D.C., that you feel you would like to have intelligence on, in order to properly perform your mission?

In other words, I guess, how many groups, from your perspective, need to be investigated, and I recognize that you probably would not have a precise number, but if you could just give us some idea of your thoughts on this.

Mr. HERRING. I cannot give you a precise number. As I stated earlier, we are more of a consumer of intelligence, rather than one of intelligence investigation and gathering.

Consequently, we would not be able to make a clear estimate on the number of groups. However, I can state that with the large number of demonstrations that the U.S. Park Police have handled this past year, and many prior years, that we have had numerous groups that have shown up at all of these demonstrations, and many of these groups are the same groups, with the same handouts, the same philosophy, and the same placards. They will use any other organization as a shield, thus perpetuating their particular cause or philosophy.

So I would say there is a large number of organizations that appear to be causing some problems. We cannot say which of these organizations are going to be violent or nonviolent, with the information that we have.

But certainly, I think, as was testified earlier by the Director, that we do need information so that we can prepare our manpower allocations in order to provide for the public safety and protection.

Mr. LISKER. Thank you.

The FBI has testified earlier in connection with these hearings, that they have somewhere around—something like 11 to 15 organizations under investigation, that is, throughout the United States and Puerto Rico. Others have speculated that there are more than 11 to 15 organizations in various parts of Washington that need to be investigated.

Do you have any views along those lines?

Mr. HERRING. I have views, but I would have to first state that those views are based on hearsay from other law enforcement organizations, not necessarily Federal. From some of the information that I have been told, there is an indication that they are of greater number than that.

But I have no way to validate that particular statement.

Mr. LISKER. I understand.

Since the Park Police no longer gets much information from the FBI, and apart from this poor fellow that you have on your intelligence staff, who works 24 hours a day gathering information, where do you get your intelligence from on these protests and rallies?

I mean, how can you be sure that these groups coming to coalesce here in Washington will not repeat the ISA, Iranian Student Association, attacks on the police and the pro-Shah elements, and cause our President and his guests to be wiping tear gas from their eyes, as they did in 1977?

How do you know what the propensity for violence is? Do you take the word of the guy who fills out the application, who may not really know himself what some others in his group are planning?

Mr. HERRING. No. Actually, the information in the application, that I think I said in my introductory comments, gives us pretty much the basic information that we get from the FBI on the organization, that is, the size of the organization, where they are going to demonstrate, the route of travel, and location, and sometimes the so-called purpose of the particular demonstration.

To answer the other aspect, to get greater information, it is received from many sources. As I stated earlier, I would have to give some of the credit to the news media. We try to be avid readers of the news media, televisionnl viewers, and listen to what some of these organizations have done in other parts of the country, and other cities, whether national or international.

And if we hear some of these same names, then we know that that particular organization might be prone to some violent or disorderly behavior. Other ways and means, include our liaison, by my one lone detective, with his many contacts throughout the United States with other law enforcement organizations, which will give us freely their information, as much as they can.

However, I might add that here again, this information is rather restrictive to the point that none of this information is taken down in a written form. And the reason it is not taken down in a written form is simply because of the fact that was mentioned earlier of the FOIA, the Freedom of Information request, and the Privacy Act.

So, consequently, all of the intelligence information that we obtain is done verbally, from other agencies, to our intelligence officer, and of course, our intelligence officer primarily keeps all of this information in his mind. It is not put down in writing, or any record.

Mr. **Lisker**. If he should have an accident on the way to work, that is the end of your institutional memory.

Mr. **Herring** That is correct, if he has an accident, or a heart attack, we are in a world of trouble, as far as any information is concerned.

Mr. **Lisker**. You said one thing that I thought was very significant in this area of monitoring what the news media has to report and what you have learned about other demonstrations elsewhere. Do you read the literature that is distributed by these groups?

Mr. **Herring**. Yes, we do. In fact, one of our practices has been for years, and one of the things that our intelligence officer does, is to collect any handbills and literature that is passed out at any of these demonstrations. We want to know our adversary and who might have the propensity for any type of violence. So, therefore, we do read all the literature, the handbills, the philosophy, anything that they might put out as to their mode of operation, such as their SOP as far as how to conduct a demonstration and the entire organizational structure.

Mr. **Lisker**. Would it surprise you to know that the FBI does not read this information, does not collect it and, further, I think, has said that there is not, in their view at least, not much value in looking at this kind of information?

Mr. **Herring**. I would be surprised, yes. I would not be able to comment on that specific issue.

The only thing I can say is that we do as well as I think the Secret Service does. We do read any of the information that we can get, whether it is in the news media, whether it is in handbills or the literature from the demonstrators, whether it is in books that are written about terrorism and what is taking place in the Nation or internationally. We read this information because this is very important in order for us to build what we call psychological profiles on various individuals, individually and collectively of groups, and with this psychological profile we are in a much better position to say what the probability of violence is for a particular demonstration.

[Senator Denton returned to the hearing.]

Senator **Denton**. I want to personally welcome you, Chief Herring, Deputy Chief Lindsey, and Captain Hines.

I believe that in view of my having been on the floor to vote, thereby being absent during most of our testimony, it will be more useful if Mr. Lisker were to continue the questions. I will remainn1. I am extremely interested in your testimony and I admire your organization very much.

Mr. **Herring**. Thank you, Mr. Chairman.

Mr. **Lisker**. Chief Herring, you mentioned psychological profiles. I could recall in times past when psychiatric or psychological profiles were almost dirty words. I can remember one case very specifically where the CIA furnished a psychiatric profile of an individual who was accused of espionage in the Pentagon papers case.

You obviously have a different attitude on that sort of thing. Is this something that the Park Police has been doing for sometime? Let me ask also if this information being put together by someone with training in this area?

Mr. **Herring**. We are not talking about a formal profile. We do not put this in writing. We do not have any records of psychological profiles. If I led you to infer that we do, then that was incorrect communication.

What I was trying to communicate is that we, the U.S. Park Police, try to be avid readers in trying to know who the adversary is we might have to deal with, and that we individually and collectively discuss the information that we have in trying to arrive at conclusions about certain groups or individuals.

I might use the analogy, it is sort of like hostage negotiations. In a hostage negotiation situation, the police or whoever are in a much better position to respond or to react or not respond, whatever the case may be, if they have a good understanding of the motivations, of the philosophy, of the objectives and the goals of the individual with whom they are dealing. Certainly in dealing with demonstrators, it is not really any different from that because it is important to understand their motivations, it is important to understand their goals, their objectives, their philosophy, what makes them tick, and how they think because, with this, we can be proactive in our plans rather than being reactive. We are more interested in the groups, I might say primary groups, than we are in individuals. So we are not zeroing in on individuals. Our emphasis, or thrust, is on organizations.

Mr. **Lisker**. Do you do postmortems on demonstrations which are unpleasant from your standpoint, that is, have a violent aspect that was perhaps not anticipated or not dealt with in the best possible way from your perspective?

Mr. **Herring**. Yes. From two areas.

The command and the staff get together and critique what went on. We do—in that respect—we do take some videotape of demonstrations to refresh our memory of what did occur, the locations and times. We use this for many reasons; for future planning in case we have similar type demonstrations, but we also use it as a tool of training and pointing out areas where we made tactical errors or mistakes, or how we could possibly have responded differently and been more effective in controlling or managing a particular crowd or incident.

From that standpoint, we do critique demonstrations.

From another standpoint, we have what we call an after action report which is more or less a factual account, consisting of a chronology of events as they occur, the number of arrests, what time, what place, and that type of information.

Mr. **Lisker**. In connection with the November 1977 demonstrations by the Iranian Students Association, we had this very violent aspect to it. There were reports in the newspapers that the violence was instigated by a group of pro-Shah people who were being trained in a Texas Air Force base and brought to the area to express support for the Shah.

In your after action report or postmortem, did you ever develop any information that that was true?

Mr. **Herring**. To my knowledge, we did not follow up on that. Deputy Chief Lindsey wrote that after action report several years ago, and I do not know if he has any recall on that particular point or not.

Mr. LINDSEY. The best recall that I have on that very unpleasant day was that it was very difficult to arrive at a conclusion that the pro-Shah people participated in the violence since the anti-Shah group was so well prepared—particularly the shields that were in fact camouflaged shields, and the closet dowels that were used to support their protest signs and which quickly became clubs. It would be very hard to link the scenario that you presented. My best view, it was a very well orchestrated attack; a flanking movement and point of attack in the middle of the Ellipse rather than at the concentrated points of easy access where we had additional officers. Everything was just too well orchestrated to give any credence whatsoever that the pro-Shah people thought about that attack.

Mr. LISKER. Now, if we assume that the Iranian Students Association had overseas connections and was in fact perhaps even directed from overseas, would it be logical to assume that the FBI would have had information on that organization beyond what it might have if it were purely a domestic organization?

Mr. HERRING. That is a possibility. It certainly would appear that in the international arena that when we are dealing with foreign nationals or dignitaries in the Capital of the United States, that it would be very helpful if we have this type of information. And if we had this type of information, we would have been in a better position, perhaps prevented it, or at least maybe to have minimized the impact of the particular assault. We might not have prevented it totally, but I think we certainly would have been in a better position to minimize the assault.

Mr. LISKER. I have only one more question, and that is, if you had a wish list of the kinds of information which the FBI was able to provide you, what would that list include?

Mr. HERRING. I guess I would like to go back to the old days. I am probably not supposed to say that.

They were not so bad. I know a lot of people criticized them, but we have come a long way. In some respects with all of our protections, I think we perhaps have, as stated earlier by other witnesses before your committee, I think we have lost our balance, our counterbalance in overprotecting some of those rights of various individuals or groups. And when we get into the area of intelligence versus criminal type of activity, I think we have to make a clear distinction and delineate between these two activities. Certainly in the criminal activity and criminal proceedings, we need all of the constitutional safeguards regarding evidence and laws of arrests. I agree that we need safeguards, and we do not want to violate anyone's constitutional rights in obtaining or gathering intelligence information.

However, these are two different ball games, and the way that you could conduct a criminal investigation and the way you get information for intelligence gathering cannot always be the same.

Another thing that I would like to use as a comparison, the restrictions and the way we have to work here in America, as compared to some of our counterparts in other countries, such as the KGB in Russia. It puts us at a very big disadvantage in trying to do our job in this particular area. So I would like to make a distinction between those two because I think it is a totally different aspect of security.

Mr. **Lisker**. Thank you.

[The prepared statement of Chief Herring, submitted subsequent to the hearing, follows:]

PREPARED STATEMENT OF LYNN H. HERRING

CHIEF, U.S. PARK POLICE, WASHINGTON, D.C.

Mr. Chairman and Members of the Subcommittee:

I am pleased to join you today and to have the opportunity to discuss the Attorney General's Guidelines on Domestic Security Investigations, commonly referred to as the "Levi Guidelines." These guidelines have been in effect since April 1976, and have had an impact on the operations of the United States Park Police.

First, I would like to take a few moments to discuss the United States Park Police and our role. We are based primarily in Washington, D.C., with two field offices, one which is located in San Francisco, and the other in New York City. Our primary responsibility is to provide a full range of police services in certain areas administered by the National Park Service. Moreover, we have responded to other areas of the National Park System for major law enforcement problems. These problems frequently involve some form of rally, demonstration or action of a specific group. In Washington, D.C., the parks are administered by the National Park Service. These parks and monuments are an integral part of the seat of government. We provide police services for groups engaged in protests, demonstrations, and other public gatherings on a daily basis.

We are sworn to protect groups expressing their Constitutional rights, however, a few have demonstrated intentions other than simply peacefully exercising their right to free speech. Some have caused problems and are prone to disruption which may include violence. We need to have adequate information concerning these groups prior to their scheduled activities.

Prior to April 1976, the Federal Bureau of Investigation provided us with information about groups, their members and leaders. Since April 1976, that information has been greatly reduced. For the most part, we only receive information about groups which present an immediate threat to our officers. For example, the FBI may tell us that they have heard that a group is coming to Washington for a demonstration and that they have information that some members of the group have weapons. Yet, because of the Levi Guidelines, this information cannot be confirmed nor can it be regarded as "hard" intelligence as a result of the Levi restrictions.

As a result, we do not have an effective intelligence capability. Our thrust is limited to one park police detective who is assigned to that function in addition to his other investigative duties. He does an excellent job, but our resources are meager. We are forced to rely on other agencies. While we feel that the FBI could be of great assistance to us, the fact is, we receive a very minimum amount of hard intelligence from the Bureau.

Specifically, we recognize the need for guidelines for FBI investigative jurisdiction, or any other agency investigation in the Domestic Survey area. Responsibilities should be spelled out that would be flexible yet clearly permit what must be done. Other Federal, state, and local law enforcement agencies must be provided with current and reliable intelligence regarding domestic groups. The more threatening or dangerous the group, the more information we should be provided for both domestic and international groups. The opposite has been true. For example, on November 15, 1977, there were large Iranian demonstrations in park areas immediately adjacent to the White House. Permits were granted for Pro-Shah as well as Anti-Shah factions to demonstrate in close proximity to each other. While, this was an international group and the Levi Guidelines apply to domestic, we had no information concerning the propensity for violence of the Anti-Shah group. The subsequent disorder received wide-spread coverage by the news media. The Anti-Shah group was well armed. "Two by four" wooden sticks and closet dowels holding placards were used as clubs. Many of the protest signs were actually 1/2 inch thick plastic shields that were camouflaged as placards. The Anti-Shah group threw missiles at our police officers and launched a well-organized attack, which included a perfectly executed flanking movement that allowed them to swarm en masse into the Pro-Shah demonstrators in the Ellipse. The Anti-Shah groups viciously assaulted police officers and the Pro-Shah group which included women and children. Police horses were beaten and doused with gasoline. At the same time, we were involved in skirmishes with Anti-Shah demonstrators in front of the White House. Tear gas grenades were used by the police in the Ellipse and were effective in dispersing the rioters.

Never before have the United States Park Police been subjected to such an agressive, vicious and obviously organized attack by masses of demonstrators. The violence that took place was tantamount to a terriorist act. If someone had been able to obtain internal information on that group, we could have been warned of the potential for violence and taken more protective measures, or perhaps attempted to cancel the demonstration permit.

In order to deny or cancel a permit, we must show that "a clear and present danger" exists. Without adequate intelligence regarding the specific intentions of a group, its members, its leaders, and its "linking associates," it is difficult to substantiate "a clear and present danger." In reality, it is nearly impossible.

In the demonstration activities on November 15, 1977, both opposing groups were largely foreign nationals. It has been our experience since that date that many demonstrations appear to be influenced by foreign nationals. No doubt, many may be traced to foreign terrorist groups that have a well tuned interlocking and inter-dependent organization. If we may allow ourselves to take credence in the writing of Claire Sterling, there is indeed a terrorist network in the foreign terrorist organization. The same network could expand into the United States. It does not require a vivid imagination to logically conclude that these foreign groups have links with groups which regularly engage in street protests here.

Similarily, in January 1979, during the visit of Chinese Vice Premier, Teng Asiao-Ping, police posted in front of the White House were attacked by 600 demonstrators. These demonstrators marched from a downtown church to Pennsylvania Avenue. From that location they charged in the direction of the White House. They were prepared for violence. Most of the participants were carrying water-soaked handkerchiefs and missiles. They carried clubs with railroad flares fixed to the ends, and bags of marbles to be used against horse-mounted officers. The demonstrators threw rocks, bottles, fish hooks, fish hook weights, metal fragments, and specially fabricated nail projectiles. Two molotov cocktail type bombs, which did not ignite were recovered. Once again we had no prior knowledge about this group nor their violent intentions.

It is my opinion, based on the United States Park Police experience with demonstrations in Washington, D.C., that several small groups with a history of violence show up as participants in many larger demonstrations. We do not have any hard intelligence, sound information, nor photographs of the members affiliated with these organizations.

The Levi Guidelines prohibit the FBI from photographing any demonstration or the preparation, unless there is an on-going criminal or international security investigation. Because the United States Park Police is a Federal agency, we must abide by the guidelines. The FBI is the lead Federal law enforcement agency in the Nation. If other agencies are like we, they often emulate many of the policies of the Bureau. For us to implement an intelligence gathering program that would be less restrictive and more intrusive into domestic organizations would be unsound. Thus, the Guidelines have had more of an impact on other agencies than just restricting the FBI from gathering and disseminating information. They also restrict other enforcement agencies.

In addition, the Levi Guidelines use the criminal standard to investigate a domestic group. They are looking for a particular crime and the threshold to begin an investigation requires that there must be strong indications that a crime may be committed. The Guidelines allow for a yearly review of an on-going investigation, if it is determined that the investigation is justified, it will continue. We see no wrong in gathering information for the sake of intelligence. Intelligence should be the objective of the investigation. We desperately need more information about militant groups--both extreme right and leftist organizations in order to fulfill our responsibilities.

In his book, Crusaders, Criminals, Crazies, Terror and Terrorism in Our Time, Dr. Frederick J. Hacher, quotes Fedor Dostoevski, "Nothing is easier than to denounce the evil doer; nothing is most difficult than to understand him." The problem is that we will denounce the evil doer after the act and then try to understand him and his motivation for his act. On the other hand, if we could gain information about the groups and their members, we would have more insight, and possibly understand their motivation, and objectives. This would aid us in taking proactive preventive measures to lower the odds that a violent act will occur and if it appears inevitable, to properly defend against it. The FBI has the capability to analyze data and provide valid information, including psychological profiles of groups and its members. If the information is not gathered to analyze and then provide intelligence, we must continue to rely on the local news media publications to gain insight into groups. Therefore, we have to deal with these groups based on limited, unvalidated information.

The Guidelines do allow the FBI to provide us certain information concerning demonstrations. This information is limited to numbers of people, dates, times, mode of transportation, routes of travel, and other information necessary to provide adequate Federal response to protect public health and safety. This information would be useful in a spontaneous demonstration. But nearly all demonstrators obtain a Demonstration Permit from the National Park Service. The information mentioned in the guidelines is provided by the applicant on the permit application. The permit application is then evaluated to help us determine the amount of resources that we will commit to police the demonstrations.

The following steps are used in evaluating demonstration police manpower needs:

1. Previous experience(s)
2. What is their track record? Were they violent? Did they honor prior permit conditions? How many were arrested?
3. What numbers of people will they have?
4. The location that they want to use?
5. Their purpose and how it relates to the national or world situation?
6. Last, we ask them if they anticipate any problems.

The permit is then issued and we start planning accordingly. This planning may include checking with the FBI for any information about the group and contacting other agencies. Obviously, no demonstration leader will reveal to any agency that their goal is violence. Because of the close links between groups and the fact that they often participate in each others demonstrations, I doubt that some demonstration leaders would actually know if someone in an accompanying group is bent on violence. Also, we routinely make inquiries of persons involved in the planning of a demonstration according to the Levi Guidelines as stated on page 18, Section V, Public Demonstrations, paragraph c.

The United States Park Police has had experience with demonstrations involving issues embraced by the Puerto Rican Armed Forces of National Liberation (FALN), Irish Republic Army (IRA), Palestine Liberation Organization (PLO), Communist Workers Party (CWP), Progressive Labor Party (PLP), International Committee Against Racism (ICAR), Revolutionary Communist Party (RCP) and countless others. Foreign nationals often demonstrate when a dignitary from their country is in Washington conducting official business. We also deal with a number of religious groups, motorcycle gangs, and we have had experience with the Anti-Nuclear Coalition. Some members of these groups and coalitions have been violent in past demonstrations. We have seen representatives of several of the groups involved in a variety of issues. In our opinion many of these groups are linked together. It is most prevalent among the Leftists groups. A police commander needs to be concerned with demonstrations in light of the current terrorist situation. A group or an individual bent on violence may directly or indirectly use a larger and legitimate group as a front for terrorist activity. In this regard it would be helpful to know:

1. Who actually is behind the drafting of handbills and literature handed out by various protest groups? What is their source of funding?
2. What, if any, are the connections between the various extremists groups?
3. What is the real intent and purpose of demonstrators, their leaders, and key personnel?

In order to answer these questions, the FBI should be permitted to conduct investigations of domestic groups in the United States. For example, a preliminary investigation should be allowed and authorized at the Field Office level based on suspicion, not just allegation, that a group may cause violence, disorder, or be a threat to a dignitary. If the preliminary investigation leads to probable cause, then a limited or full investigation should follow. The results then must be passed on to police agencies responsible for policing demonstrations.

The nightmare of all police commanders in managing demonstrations is that we will be faced with injuries and deaths caused by a surprise terrorist assault.

Mr. Chairman, that completes my statement. I appreciate the opportunity to present this statement, and I am ready to discuss or respond to questions that you or the members of the Committee might have.

Senator DENTON. I want to thank you, Chief, and gentlemen, for your testimony. I also recognize the value of the testimony of our other witnesses today.

I ask you to stand ready to receive written questions from other Senators who may or may not have been present today as well as and additional questions from me. Please have the replies returned to the subcommittee in written form within 15 days from the time you receive them.

Thank you again. This hearing stands in recess until tomorrow, August 12, 1982, at 2 p.m., when we will have as our witnesses, Detective Arleigh McCree of the Los Angeles Police Department, and Inspector Fred Raines of the Metropolitan Police Department of Washington, D.C.

[Whereupon, at 12:48 p.m., the subcommittee adjourned, to reconvene at 2 p.m., Thursday, August 12, 1982.]

APPENDIX

QUESTIONS AND ANSWERS

RESPONSES OF THE TREASURY DEPARTMENT AND THE SECRET SERVICE TO QUESTIONS OF SENATOR DENTON

1.(a) Has the Treasury Department or the Secret Service been asked by the Department of Justice for their recommendations and suggestions for changes in the domestic security guidelines?

Answer: To date, neither the Treasury Department nor the Secret Service have received a direct request for recommendations or suggestions for changes in the domestic security guidelines. At the same time, of course, we are confident that once the Justice Department and the FBI reach a preliminary mutual understanding concerning the kinds of changes they feel are necessary, we will be invited to participate more fully.

1.(b) Have you had any formal participation in the reassessment process presently going on at the Department of Justice? Any informal participation?

Answer: We have not had any formal or informal participation in the reassessment process. We have, however, requested that the Department of Justice consider our views at the appropriate time.

2.(a) Does the Secret Service have an ongoing domestic intelligence collection function? That is, does the agency have squads of agents in the field investigating individuals and groups which might pose a credible threat to the President or those designated by him to receive protection?

Answer: The Service conducts protective intelligence investigations in order to determine certain facts regarding particular individuals and groups. These investigations are limited to information we consider relevant and necessary in order that we may make an evaluation concerning possible danger to our protectees. In determining when and where to conduct these investigations, we are generally guided by information coming to us from other sources. It is for this reason that we must remain an aggressive consumer of intelligence information gathered by those organizations designed and intended for this purpose. We do have agents in the field assigned specifically to protective intelligence work. These agents in the larger offices are assigned to protective intelligence squads. In smaller offices a squad organization may not be required and the responsibility is designated to an appropriate number of agents. These agents are a major element in an integrated effort to resolve protection related concerns for the Secret Service which relate to particular persons or groups.

It would be inaccurate to say that the Secret Service has a "domestic intelligence collection function" if that phrase refers to the collection of information not limited to information directly relevant to the safety of our protectees. We are more accurately described as a consumer rather than a collector. The protective mandate given to the Service is to do what is proper and necessary to best assure the safety of the President, Vice President and our other protectees. As a result, all of the efforts of this Service are limited in a sense to activities in support of this mandate.

2.(b) If not, how can the agency be expected to fulfill its responsibilities if it is not receiving input from the FBI on such organizations and individuals?

Answer: As explained in the previous answer we take this responsibility very seriously and it is our first investigative priority. The Secret Service has in the past, does now and will in the future, take whatever action is appropriate in the protective intelligence area to insure the safety of our protectees. We do not delegate this responsibility to other agencies.

However, it is essential that this effort be supported through a general intelligence system beyond the scope of our more limited protective concerns. The impact of the domestic security guidelines on this general intelligence system has been detrimental.

2.(c) If the FBI is not providing the intelligence in the domestic security area that the Secret Service needs to properly perform its mission, do you believe it would be useful to increase the Secret Service's resources so as to permit it to collect the intelligence directly?

Answer: The Secret Service needs additional resources for the broad spectrum of its protective and criminal investigative duties. We are in the process of reviewing this matter with the Department of Treasury. However, I can assure you that the Secret Service is very vigilant in the area of protective intelligence. The investigation and acquisition of information required to perform our protective mission is our highest investigative priority. We believe that the American public and the Congress would expect no less of us.

As we have pointed out in our direct testimony, the Secret Service is primarily a consumer of this type of information as opposed to being a "collector." We feel that the responsibility for general domestic security activities should remain with the FBI in light of its broad investigative jurisdiction. The FBI has the resources and the experience necessary to effectively conduct such investigations.

Rather than realigning responsibilities, thereby creating confusion and substantially increased costs, there are other steps which should be taken to enhance the effectiveness of the government in this crucial area. The most direct, of course, is an enlightened revision of the current guidelines for conducting domestic security investigations. Secondly, we would like to see appropriate modification of the Freedom of Information and Privacy Acts. Additionally, modification of the Federal Tort Claims Act, or similar legislation to remove personal liability concerns, is essential to improve the climate in which the agent/officer must operate.

3.(a) Based on the experience of the Secret Service, how many groups are there in Washington, D.C. that you feel you need intelligence on in order to properly perform your mission? In other words, how many groups need to be investigated?

Answer: Whether it is Washington, D.C. or any other location, we cannot evaluate what we do not receive. Therefore, the question of numbers is very elusive. The present domestic security guidelines require that a certain threshold be met before a group may be investigated. We feel that threshold is too high. Therefore, information that is not being collected cannot be disseminated to us. That is our concern.

We are aware of and are monitoring the investigation by other agencies into the activities of several groups in this area which we feel are of potential interest in light of our protective responsibilities. Further, we should mention that the Secret Service has excellent relationships in the Washington, D.C. area with both local and federal law enforcement agencies, as well as other institutions in the private and public sectors. These entities are aware of our special needs in the area of information and cooperate with us.

We would prefer not to mention specific names or groups in a public forum. Experience has taught us that the mere expression of concern with regard to a specific individual/group/situation may actually precipitate activity directed toward our protectees.

3.(b) Outside of Washington, how many groups do you estimate there are?

Answer: Again, numbers are elusive. If the information is not collected, it cannot be disseminated. We feel we need more information on particular types of groups and we know that there are groups about which we have very little knowledge. Given the existing restrictive climate, however, we simply do not feel that data has been developed which would permit us to give an accurate estimate of the type requested. We know we are not receiving information but, obviously, we do not know what that information would reveal.

In the meantime, we will continue to take extra physical protective measures to minimize dangers.

4. Have the Levi Guidelines in any way impacted or contributed to the demise of the government employees security program? If so, please describe in what ways.

Answer: Within the range of experience of the Secret Service it is our opinion that the security clearance procedures adhered to are generally reliable and effective.

This is not to say, however, that we feel the system is without its defects and areas of difficulty. These problem areas are a result of a multitude of factors including judicial decisions, Acts of Congress, restrictive administrative interpretations of both, and the general deemphasis on domestic security issues following the Viet Nam/Watergate period.

RESPONSES OF THE TREASURY DEPARTMENT AND THE SECRET SERVICE TO QUESTIONS OF SENATOR HATCH

1. On a related topic, I would like to know if you have any knowledge of the Freedom of Information Act impeding law enforcement efforts?

Answer: As indicated in the prepared statements of both Mr. Simpson and myself, there is no question but that the FOIA has made law enforcement activities more difficult. We are advised by state and local authorities, and private citizens that the Act will cause the disclosure of information which they might be in a position to supply, but which they do not wish to see disseminated. In the case of police agencies, the fear is largely one of compromising informants or revealing an area of investigative interest prematurely. As to private citizens, the concerns tend to be more that they do not wish to embroil themselves in a controversy when often all they might have is a small bit of information of investigative interest.

Notwithstanding the exemptions from disclosure created by the

Act, the federal agencies involved are not in a position to dispel these concerns. The uncertainty of the outcome of any case in litigation, as well as the human factor involved in processing requests under the Freedom of Information Act, preclude us from promising, in good faith, that the information is totally safe once disclosed to the government.

An additional FOIA problem area which has definitely had an adverse impact on law enforcement efforts is the "felon request." The files of investigative agencies are opened to convicted felons affording them an opportunity to review and scrutinize the materials, techniques and procedures which led to their convictions. This information studied at length, unfortunately but all too obviously, makes it more difficult for a law enforcement agency to continue to outwit the criminal. Further, the receipt of multiple requests for related information from a variety of convict requestors, often leads to the inadvertent disclosure of sensitive information. A number here, a pronoun there, factors which may appear totally innocent to the FOIA Officer charged with reviewing the file, may provide crucial information to the convict permitting him to identify an informant.

It must be kept in mind that the requestor often will have strong suspicions as to the identity of an informant which are enforced by the release of such information.

These "felon requests," it should be pointed out, are not in the least unusual. They arrive in large numbers, in standardized formats. There is no question either but that they are viewed by the prison population as an harassment technique against the government that convicted them. They require the diversion of agency resources, and, in one case, led to a court ordered award of attorney's fees to a pro se convict FOIA litigant.

In conclusion, it can simply be stated, the FOIA in its current form is an impediment to law enforcement and a boon to the criminal.

2. To what extent has FOIA endangered informants in criminal investigations by disclosing their identities? Do you know of instances when potential informants refused to cooperate fearing that their identity could be disclosed pursuant to a FOIA request?

Answer: It is our view that the release of virtually any document in a case involving an informant, has the potential of compromising his or her identity. As was mentioned in response to the last question, it is often innocuous looking information which does damage in this area.

This type of information simply cannot be properly protected by our sifting through voluminous files and exempting certain material. Every response to an FOIA request which involves this type of sifting has the potential of being treated differently by a reviewer. This is simply human nature. The effect of this, unfortunately, is that multiple requests for related information will, when treated by different reviewers in different agencies produce disclosure of information in excess of that which would likely have been revealed otherwise. This so called "mosaic theory" permits the building of apparently irrelevant facts into a potentially life threatening picture.

The Secret Service has had potential informants refuse further cooperation fearing that their identity could be disclosed under FOIA procedures. Obviously, knowledge that one's identity may be disclosed has a chilling effect on potential informants.

3. Does FOIA and the potential that investigations may be compromised impede cooperation between state and federal law enforcement officers?

Answer: In response to this question, we would refer back to the general answer given to the question about the FOIA's impeding of law enforcement efforts.

It should also be noted that we do not wish to overemphasize the negative. The spirit of cooperation between state and federal law enforcement officials is strong. Any organized law enforcement effort requires a great deal of mutual understanding and respect for the capabilities of the various organizations involved. This respect and understanding has led, in our view, to the current state of affairs in which cooperation is constant but where information is cautiously treated. We have been told by police departments that they will not give us certain information in writing and that they do not wish to see it committed to writing by our agents. They have and will share information we need, but they do not wish to lose control of that material. This situation, unfortunately, constitutes an additional roadblock to a sound law enforcement effort.

4. The Drug Enforcement Administration recently released a study concluding that 14% of their investigations were "significantly compromised" by FOIA disclosures. To what degree can you corroborate that finding?

Answer: We simply are not in a position to comment on this study in any substantive fashion. The Treasury Department and the Secret Service do not maintain statistics of this nature.

In general, however, we are certain that any study done by DEA in this area would be a useful tool for the Congress in scrutinizing the impact of the FOIA.

RESPONSES OF THE DEPARTMENT OF THE INTERIOR AND THE U.S. PARK POLICE TO QUESTIONS OF SENATOR DENTON

United States Department of the Interior

NATIONAL PARK SERVICE
WASHINGTON, D.C. 20240

IN REPLY REFER TO:

A5415(NCR-PPOD)

Honorable Jeremiah Denton
United States Senate
Washington, D.C. 20510

Dear Senator Denton:

It is with pleasure that we acknowledge your recent letter to United States Park Police Chief Lynn H. Herring expressing appreciation for his testimony before the Subcommittee on Security and Terrorism.

We have reviewed the list of subsequent questions and are equally pleased to provide you with the following responses:

Question 1 - In your testimony, you have stated that the Park Police gets most of its information on groups and individuals from the Secret Service, from local law enforcement agencies, and from public sources like newspapers.

Is the intelligence you get from sources other than the FBI adequate?

How does this intelligence compare with that which you received from the FBI prior to the promulgation of the Levi Guidelines?

Response - The intelligence that we currently receive from other Agencies and sources, i.e., newspapers, magazines, and house organs, is less than adequate because this information is not fully validated. Prior to the Levi Guidelines, we were reasonably confident that the Force was receiving intelligence that had been processed and pronounced as reliable.

Question 2 - Has the Park Police or the Department of the Interior been asked by the Department of Justice for their recommendations and suggestions for changes to the domestic security guidelines?

Has the Park Police or the Department of the Interior had any formal or informal participation in the reassessment process presently going on at the Department of Justice?

Response - With the exception of the opportunity that your subcommittee has granted the United States Park Police, neither the Department of the Interior nor the United States Park Police have had any communications concerning the Levi Guidelines. Moreover, we have not participated in any current reassessment.

Question 3 - What information would you like to receive from the FBI on groups and individuals? In other words, what intelligence do you need in order to properly perform your mission?

Response - We are primarily interested in gaining the knowledge that would indicate and verify, if possible, the potential for violence in any groups or organizations. The following represents our basic areas of concern:

(a) historical, cultural, and economic philosophy;

(b) symbolic and political beliefs;

(c) the strength (i.e., arms, weapons, and the size of groups);

(d) financial support and its source(s);

(e) psychological and sociological factors of the group; and

(f) any information that would be indicative of violence and/or disruption.

Question 4 - Please give the Subcommittee any recommendations you may have for modifying the Levi Guidelines as presently drafted and interpreted.

What other suggestions do you have which you feel would improve the gathering of intelligence in the domestic security field?

Response - We feel that several aspects of the Guidelines could be examined for clarification and possible improvement. For example, the requirements necessary to begin an intelligence investigation, the application of the criminal standard, and the time limit placed on "full" investigations appear to be areas for consideration.

As we have previously expressed, the objective of the United States Park Police is to fulfill its mission responsibilities to the best of our abilities. Our fundamental desire is to have the implements of intelligence provided to us so that we may have the capability to ensure peaceful expression while protecting the freedom and privacy of all people.

Sincerely,

J. Craig Potter

for G. Ray Arnett
Assistant Secretary for Fish
and Wildlife and Parks

REPORT

MANAGEMENT REVIEW

on the Performance of the U.S. DEPARTMENT OF THE TREASURY

in connection with the
March 30, 1981 Assassination Attempt
on President Ronald Reagan

Department of the Treasury
Office of the General Counsel
August, 1981

EXECUTIVE SUMMARY

Shortly after the attempted assassination of the President on March 30, 1981, Secretary of the Treasury Donald T. Regan directed the General Counsel of the Treasury to prepare a report on the performance of Treasury Department agencies in connection with this incident, including "the adequacy of procedures, facilities, and personnel for (i) ascertaining the existence and assessing the seriousness of threats to the President, (ii) protecting the President in his public activities, and (iii) responding promptly and effectively to this and similar incidents. On March 30, 1981, this nation narrowly avoided a tragedy; your report should focus not only on the event itself, but also on its lessons for the future."

The report principally addresses the performance of the Secret Service, but extends also to the activities of other agencies which played a role in the aftermath of the incident, the Bureau of Alcohol, Tobacco and Firearms, the Customs Service, the groups within the Office of the Secretary concerned with domestic finance and the foreign exchange markets, and the Office of the Secretary itself.

In general, the report concludes that all of these agencies performed well under the circumstances, but that the circumstances themselves were highly favorable. The President was shot by a single alleged assailant who was quickly apprehended; he was attacked in mid-afternoon on a weekday, with a small caliber weapon, in Washington, D.C., at the door of his limousine, close to a fully equipped and staffed metropolitan hospital; most important, the wound was not mortal.

Less favorable circumstances can be easily imagined, and the report attempts to measure the adequacy of existing procedures to meet a more difficult test than that presented on March 30. In this light, the report finds that in certain respects the procedures in effect on March 30 could be improved, that in some cases procedures should be established where none existed on March 30, and that the important work of the Secret Service and other agencies could be made more effective by changes in certain laws and regulations.

Among the principal conclusions and recommendations of the report are the following:

1. The protective responsibilities of the Secret Service have been expanding in recent years while budgetary restraints have reduced the number of Special Agents available for protective duty. Congress should consider an increase in the authorized number of Special Agents and a commensurate increase in the appropriations to the Service for the salaries and expenses of these agents.

2. As an agency headed by a career official, the Secret Service should be subject to increased outside supervision. This supervisory role, recommended by the Warren Commission, should remain with the Assistant Secretary of the Treasury for Enforcement and Operations but should be enhanced to include periodic review of the Service's policies, priorities and organizational structure.

3. In the event of an attack on the President, Service procedures rely on the head of the President's security detail to request a build-up of security personnel around the President. This was the procedure followed at George Washington University Hospital on March 30, 1981. Since the full dimensions of a threat may not be known to the principal agent on the scene, the report suggests that the prudent course would be to adopt procedures which require an immediate increase in security around the President in the aftermath of a threat; the number of agents can then be reduced later as the extent of the threat is more fully assessed.

4. The Service relies on other governmental agencies, including agencies at the State and local levels, to furnish information on individuals and groups which may be of assistance in protecting the President and others. This informal process has inherent limitations and, for the following reasons, is not working as well as it might:

-- legislation on privacy and information access has made sources reluctant to furnish information they had voluntarily provided in the past;

-- a recent decline in information furnished by the FBI, probably attributable to the impact of the Attorney General's Domestic Security Guidelines on the FBI's domestic intelligence activities, has also reduced the amount of useful information available to the Service;

-- the Service has not effectively used its Liaison Division to develop sources of intelligence or to monitor the effectiveness of existing sources; and

-- the Service has not developed an in-house capability to use modern statistical analysis and automated data processing facilities to derive maximum utility from the information it has in its possession.

The report recommends that the Service be given an executive mandate, perhaps in the form of an Executive Order, to require greater assistance from Federal agencies; that consideration be given to narrowing the scope of privacy and information access laws as they apply to information furnished to the Service; that consideration be given to permitting the FBI to expand its domestic security investigations; and that the Service's Liaison Division be reconstituted as a branch of the Intelligence Division.

5. The details of procedures for protecting the President are frequently negotiated between the White House staff advance team, which wants to give the President maximum exposure to press and public, and the Secret Service advance group, which is principally concerned with security. These discussions, always ad hoc, produce uneven protective arrangements. The report recommends that the Service and the White House staff advance group agree on a detailed set of protective procedures for the President, including such matters as whether prior notice of Presidential trips will be provided, the extent to which unscreened members of the public will be able to get close enough to the President to threaten his security, and the circumstances under which the President will make himself available for questions from the press.

6. The Special Agents in the President's protective detail on March 30 -- most notably Special Agents Jerry Parr, Tim McCarthy, D.V. McCarthy, and Ray Shaddick -- reacted in precisely the manner required by their training and the applicable procedures of the Secret Service to cover and evacuate the President. The report recommends that these four agents receive special awards and recognition for their exemplary performance.

7. The President's chances of surviving any future attempt on his life would be enhanced by the presence of a paramedic team in his entourage, by a more complete security survey of the hospital designated for emergencies, and by the presence of his medical records at the hospital or in his limousine.

8. The Service's procedures for increasing security for the Vice President in the event of an attempt on the life of the President should be reviewed and made more specific, and the security of communications with the Vice President's travelling party should be enhanced.

9. The Bureau of Alcohol, Tobacco and Firearms was able promptly to trace the weapon used in the attack on the President -- a capability which would assume even more importance if a suspect had not been immediately apprehended at the scene. However, the Bureau's tracing ability is largely limited to periods when manufacturers, wholesalers and retailers of firearms are open for business. The report recommends that consideration be given to methods or mechanisms, acceptable to Congress, which would enable the Bureau to effect gun sales traces during non-business hours.

10. Current law may permit the Secretary of the Treasury, through the Customs Service and for limited periods, to control arrivals and departures of conveyances from airports and other United States ports of entry. The report recommends that an existing Executive Order be amended to permit the Secretary, in coordination with the Departments of State and Justice, to develop procedures which could prevent the escape of assailants from the United States in the immediate aftermath of an attempt on the life of the President.

11. Procedures should be put in place for the prompt notification of successors to the Presidency and other Cabinet level officials in the event of an attempt on the life of the President. These procedures should be implemented by the White House Communications Agency.

PROTECTIVE INTELLIGENCE

Procedures

The Secret Service responsibility for developing intelligence for protective purposes is assigned to the Office of Protective Research. Within that office are six divisions. The primary intelligence collection and analysis functions are assigned to the Intelligence Division and the Liaison Division. In the Washington, D.C. area, these two divisions are substantially augmented by personnel of the Washington field office intelligence squad.

Intelligence Received Via The White House

White House personnel turn over to the Secret Service letters and telephone calls that appear threatening to the President or another official. If the matter requires further investigation a field investigation is authorized. Individuals who come to the White House complex and appear threatening to the President or others are interviewed and, if further investigation is warranted, referred to the protective intelligence squad of the Washington field office.

Intelligence Received From the Field

Intelligence in the field is collected through field office investigations, from state and local agencies, and from the field offices of other Federal agencies. Intelligence from state and local agencies will include information elicited from or volunteered by law enforcement groups, local mental hospitals, and state and local government offices.

The degree to which the field is successful in generating intelligence is solely attributable to informal field liaison efforts aimed at either requesting information and assistance or educating local agencies to the Service's intelligence needs. These efforts are informally monitored and encouraged by the Intelligence Division at headquarters.

Secret Service Director Stuart Knight has stated on several occasions that the Freedom of Information Act and the Privacy Act have contributed to a decrease over the last several years in intelligence information received from various sources, including other law enforcement agencies and foreign countries. For example, in testimony before committees of both the House and Senate following the March 30 assassination attempt, Knight testified that foreign law enforcement organizations, as well as state and local police, are reluctant to share information with the Secret Service and other Federal agencies. This reluctance, he believes, is largely the result of the Freedom of Information Act and Privacy Act, which have led foreign and other information sources to believe that the United States government agencies cannot maintain the confidentiality of the information they receive.

The Secret Service's view is almost universally shared by other law enforcement officials. In a report entitled "Impact of the Freedom of Information and Privacy Acts on Law Enforcement Agencies," dated November 15, 1978, the Comptroller General noted that "law enforcement officials at all levels of government have stated in congressional testimony that the proliferation of access and privacy laws has been instrumental in creating a restrictive climate which affects their ability to obtain information from the public and institutions, to recruit and maintain informants, and to exchange information with other law enforcement agencies."

Law enforcement officials reported, according to the GAO Report, that the Privacy Act has had some of its most severe effects on their ability to obtain information from institutions such as hospitals, banks and telephone companies. While law enforcement agencies could previously obtain records from these institutions on an informal basis, an increasing number require the agencies to obtain a subpoena before providing the information. Secret Service officials told the GAO that since most of the threats against the President come from mentally unstable individuals, timely access to records maintained by mental institutions is critical when the President or other dignitaries travel around the country.

Intelligence Received from other Federal Agencies

The Service has entered into memoranda of understanding or agreements with other Federal agencies, such as the Federal Bureau of Investigation and the Central Intelligence Agency. These agreements describe in broad, general terms the intelligence sought by the Service, and an examination of various editions of these agreements used over the past ten years shows little substantive evolution in the description of information the agencies are to furnish.[2/]

[2/] [Footnote on next page]

Neither the Liaison Division nor the Intelligence Division has any procedures for monitoring whether Federal agencies have internal guidelines implementing the agreements and educating their personnel as to Service intelligence needs, although the Intelligence Division itself tries to use its limited staff to perform these functions informally with respect to some

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2/ [Footnote from previous page] Agreements commonly specify seven "types" of information to be referred to the Service:

1. Information concerning attempts, threats, or conspiracies to injure, kill, or kidnap persons protected by the USSS or other U.S. or foreign officials in the U.S. or abroad.

2. Information concerning attempts or threats to redress a grievance against any public official by other than legal means, or attempts personally to contact such officials for that purpose.

3. Information concerning threatening, irrational, or abusive written or oral statements about U.S. Government or foreign officials.

4. Information concerning civil disturbances, anti-U.S. demonstrations or incidents or demonstrations against foreign diplomatic establishments.

5. Information concerning illegal bombings or bombmaking; concealment of caches of firearms, explosives, or other implements of war; or other terrorist activity.

6. Information concerning persons who defect or indicate a desire to defect from the United States and who demonstrate one or more of the following characteristics:

   a. irrational or suicidal behavior or other emotional instability.
   b. strong or violent anti-U.S. sentiment.
   c. a propensity toward violence.

7. Information concerning persons who may be considered potentially dangerous to individuals protected by the USSS because of their background or activities, including evidence of emotional instability or participation in groups engaging in activities inimical to the United States.

agencies. Infrequently, Liaison arranges meetings with representatives of other Federal agencies in which Intelligence Division personnel can describe their intelligence requirements.

Liaison Division agents maintain informal relations with the rest of the Federal community, and will serve as a conduit for Intelligence Division requests to these agencies for specific information. Some agencies provide formal liaison contacts while others do not, forcing Liaison Division agents to establish their own contacts on an informal basis. Liaison Division agents also distribute to their Federal agency contacts boilerplate descriptions, similar to those in the formal agreements, of Service intelligence needs. How these handouts are utilized by the Federal agencies is not monitored.

In some instances Federal agencies provide the Service with intelligence in response to a direct request for specific information from the Intelligence Division, or in response to a request from the Liaison Division. At other times, these agencies, especially the FBI and the CIA, unilaterally provide intelligence they judge to be of interest to the Service. Intelligence suppliers have not been assessed or evaluated with a view to improving their performance.

Information collected and disseminated by the FBI is the most important source of Secret Service intelligence on potential domestic threats to the President, and has a significant impact on the ability of the Service to fulfill its mission. As a general matter, intelligence received from the FBI will be of two types: information about the intentions and objectives of individuals and groups, and information about what individuals and groups have actually done.

Since the Service is interested in predictive information -- that is, intelligence which will enable it to assess possible threats to the President -- information about intentions is a good deal more valuable to the Service than information about completed acts, from which future intentions may only be inferred.

This distinction has led the Service to become increasingly concerned in recent years about a decline in the FBI's domestic intelligence activities, and the almost exclusive emphasis which the FBI has begun to place on its role as an agency engaged in investigation for purposes of assisting prosecutorial authorities. Generally speaking, much domestic intelligence investigation may be usefully characterized as the process of discovering, through informants or otherwise, the intentions and objectives of groups. On the other hand, investigations in aid of prosecution focus principally on actions already taken -- information which at best is only of marginal utility to the Service.

An example of the limited usefulness of law enforcement information to the Service is the arrest of John W. Hinckley at the Nashville Airport on October 9, 1980. The facts of that incident are not in dispute. Hinckley had attempted to board a commercial airliner with three pistols. Although he could have transported them lawfully in baggage checked through to his destination, he instead tried to carry them into the passenger compartment and was arrested by airport police. The fact that Hinckley has been accused of the shooting on March 30, 1981, has raised questions about whether the Service should have been on notice of the threat he posed to the President.

The arrest coincided with substantial Presidential campaign activity in Tennessee. Then-candidate Ronald Reagan had just cancelled a trip scheduled for October 8 to Memphis; President Carter was conducting a town meeting in Nashville's Grand Old Opry; and the wife of Vice President Mondale had left Nashville a day earlier. Local police officials considered the arrest routine and unrelated to President Carter's visit -- a reasonable conclusion in light of the fact that the President was still speaking when Hinckley was arrested.

Nevertheless, the arrest was reported to the FBI because the attempted boarding with the pistols violated Federal as well as local law. The FBI treated the case as one that the local U.S. Attorney would automatically decline to prosecute, and did not refer it. Neither did the FBI pass the information along to the Secret Service -- also not an unreasonable decision in light of the fact that there are thousands of such arrests annually in the United States and nothing in the circumstances of Hinckley's arrest to suggest that he was or would become a danger to the President. In the absence of evidence of a threat, the agreement between the Service and the FBI did not require the FBI to report Hinckley's arrest to the Service.

Even assuming, however, that the information had been passed on to the Service by the FBI, one cannot conclude that the consequences would have been different. The Service does not have the manpower to interview every person who was arrested -- for example, on a weapons charge -- in each city visited by the President in the course of a political campaign.

Absent a stronger suggestion on the face of the data that an investigation should be undertaken, the most the Service could reasonably do with raw arrest information would be store it for later correlation with other facts. If, for example, the same person were arrested in another city the President is visiting, the coincidence might suggest that he is "stalking" the President and justify a more thorough investigation. Today, the Service's resources do not permit such data correlation.

The data processing and intelligence resources required for a system which could achieve such correlations would be massive, and even then there could be no assurance that the linking of circumstantial data to support an inference of danger would be more than mere chance. Normally, follow-up investigation would still be needed.

Limitations on resources -- and indeed effective use of resources by the Service -- compel the Service to concentrate its efforts on collecting, analyzing and investigating information which more directly indicates a threat to the President. This is information about the overtly or covertly expressed intentions of individuals or groups.

From the protection-oriented perspective of the Service, therefore, the decline in FBI domestic intelligence activities has caused a critical overall decline in the useful information the Service receives from the FBI. In November 1979, Secret Service Director Stuart Knight testified before the Senate Judiciary Committee that the Service was, at that time, receiving only about 40 percent of what it had previously received from the FBI, and that this reduced intelligence product had deteriorated in quality. Explaining what he meant by quality, he referred to the loss of information concerning motives and plans.

Knight repeated these statements in the aftermath of the March 30 assassination attempt, in testimony before other committees of the House and Senate, specifically attributing this loss of useful intelligence to the Attorney General's Domestic Security Guidelines. These are discussed below.

On March 10, 1976, then Attorney General Edward Levi issued Domestic Security Guidelines which, in effect, prevented the FBI from engaging in domestic intelligence gathering unless it was in possession of "specific and articulable facts giving reason to believe that an individual or a group is or may be engaged in activities which (1) involve the use of force or violence and which (2) involve or will involve the violation of federal law for one or more of [certain] purposes [related to the overthrow of the government or abridgement of civil rights]." 3/

The Domestic Security Guidelines define three stages of investigation: preliminary, limited and full. Preliminary and limited investigations are confined to determining whether a full investigation is warranted. They may be undertaken only on the reasonable belief that a violation of federal law, by way of force or violence, is involved, and they may only be carried on for short periods of time. A limited investigation allows a somewhat greater range of investigative techniques than is available in a preliminary investigation, but it must be authorized in writing by a Special Agent in Charge or FBI Headquarters. Full investigations must be authorized by FBI Headquarters based on specific and articulable facts concerning the use of force or violence in committing certain crimes.

The Guidelines limit the period during which a full investigation may be conducted to one year, extendable only if the Department of Justice gives written authority. 4/

3/ Attorney General's Guidelines for domestic security investigations, issued by Attorney General Edward Levi, published April 5, 1976, Subparagraph II.I.

4/ [Id., II.E. Preliminary investigations are limited to:]

(1) examination of FBI indices and files;
(2) examination of public records and other public sources of information;
(3) examination of federal, state, and local records;
(4) inquiry of existing sources of information and use of previously established informants; and
(5) physical surveillance and interviews or [sic] persons not mentioned in E(1)-E(4) for the limited purpose of identifying the subject of an investigation.

[II.F. Investigative techniques for limited investigations may also include:]

(1) physical surveillance for purposes other than identifying the subject of the investigation;
(2) interviews of persons not mentioned in E(1)-E(4) for purposes other than identifying the subject of the investigation, but only when authorized by the Special Agent in Charge . . . .

[Footnote continued on next page]

The Service's criticism of these Guidelines raises serious questions which cannot be ignored in any study of the Service's performance. As the March 30 incident reveals, physically surrounding the President is not sufficient protection. The President's ultimate shield must be the ability of the Secret Service to keep him out of dangerous environments. This the Service cannot do without adequate intelligence resources -- information about the intentions and plans of potentially dangerous people.

Despite its importance to the Service's mission, the Service has done little to document or analyze the decline in FBI intelligence dissemination which it attributes to the Domestic Security Guidelines. Circumstantial data, however, appears to confirm the Service's view that the decline has been very substantial.

In interviews conducted for this report, FBI officials have estimated that more than 20,000 so-called domestic security cases were open shortly prior to the promulgation of the Attorney General's Domestic Security Guidelines. While some of those cases were converted into standard criminal investigations when the necessary information was developed, very few of the remainder produced criminal prosecutions. Some officials at the Bureau state that all but about 7,000 of those cases were terminated by the FBI for reasons other than the restrictions imposed by the Domestic Security Guidelines, but they nonetheless appear to accept the estimates of the number of domestic security cases which the FBI was handling before 1976.

Whatever the reason for termination of these cases, the decline in their number since publication of the Attorney General's Domestic Security Guidelines has been precipitous. According to a 1976 report by the General Accounting Office, the ten FBI field offices studied by the Comptroller General during 1974 actively investigated 19,659 domestic intelligence cases, which the report asserted to represent 35 percent of a total of 55,500 cases on "subversives and extremists" opened or reopened by the FBI during 1974.

[Footnote con't from previous page]

[II.I. Investigative techniques for full investigations may also include:]

(1) use of informants . . . subject to review [after] 180 days;

(2) 'mail covers' . . .;

(3) electronic surveillance . . . ."

In a 1977 follow-up investigation, the GAO again counted cases and reported:

> [W]e believe that the FBI's domestic intelligence effort has declined substantially. Although it is impossible to attribute the decline to any one reason, a major factor, particularly since April 1976, would be the interpretation given to the Attorney General's domestic security guidelines.
>
> As of June 30, 1977, a total of 642 domestic intelligence investigative matters were pending, compared to 9,814 at the same date in 1975. Similarly, the number of domestic intelligence matters initiated declined from 1,454 in June 1975 to 95 in June 1977.
>
> As of early October 1977, 17 organizations and approximately 130 individuals were under domestic intelligence investigation. 5/

Interviews for this report with FBI and Secret Service personnel indicated that the _total_ number of preliminary, intermediate, and full domestic security investigations involving both individuals and groups which were open at the time of our inquiry was far less than at _any_ time covered by the GAO report. Ultimately, the question is whether the Secret Service can adequately perform its mission without a regular flow of information about the intentions of individuals or groups who may be a threat to the President. An answer to this question is beyond the scope of this report, but one of the lessons of March 30 is that the President is exposed to danger whenever he is outside the White House, and the best efforts of alert agents on the scene cannot substitute for adequate warning.

Intelligence Storage

All nonclassified intelligence kept by the Intelligence Division is accessed by computer; the computer contains only case file abstracts and serves as an index to more detailed information located elsewhere in paper files.

5/ FBI Domestic Intelligence Operations: An Uncertain Future (November 9, 1977), at 15.

Although reworked to fit a new computer acquired in 1978, the Service's current computer software does not make full use of the new computer's capacity. Both the Data Systems Division and the Intelligence Division Programming and Planning Branch agree that the software should undergo major upgrading in order to be able to make optimal utilization of the data bank, but cost and personnel limitations have constrained their efforts.

The system incorporates data files on about 20,000 persons investigated in the past by the Service, on events, incidents, organizations and groups, and a name index. These data are accessed through two limited data retrieval search systems.

One system searches through all information coded into each of about 100 fields in the data bank; the other searches every word in each case abstract looking for key words suggested by the operator. The coded search requires about 45 minutes and 20 such searches can be run simultaneously. The time taken by the key word search is negligible, but the keyword indexing system is expensive to set up and maintain.

Intelligence Analysis

Intelligence analysis is primarily directed toward identifying dangerous individuals. As already noted, the field agent, along with his supervisor and the field Special Agent in Charge, evaluate the information on a subject provided by the Intelligence Division and generated by the field investigation. No "dangerous person" indicia have been generated from the Intelligence Division data pool, and no statistical analysis is used to identify patterns or correlations in the data. Consequently, the entire dangerousness determination is based wholly on agent judgment. Consistency is sought through Intelligence Division review of each determination.

An individual who has been determined to be dangerous to a protected person is interviewed at regular intervals, and his whereabouts are periodically monitored. This periodic review status continues until the field office determines, and the Intelligence Division agrees, that the subject no longer presents a danger. Approximately 400 persons are listed in this category, and most of them are incarcerated in either mental or penal institutions.

Intelligence data is also utilized to identify dangerous groups. The Analysis and Control Branch has a desk devoted to domestic groups, while the Foreign Intelligence Branch deals almost exclusively with international terrorist groups that may present a threat to a protected person. Files are kept only on those groups which, in the view of the Service, may pose a threat to a protected person at some future time. Certain groups considered the most dangerous are constantly monitored; others are only occasionally reviewed. As with individuals, there are no "dangerous group" indicia; all assessments are based on agent judgment and some analysis done by intelligence and law enforcement agencies.

A third major use of intelligence data is to identify dangerous environments. For any trip by a protected person, the Intelligence Division advance agent will attempt to obtain all available information in the computer with which to assess the general "dangerousness" of the environment into which the protected person is going. The advance agent's assessment and conclusions are communicated to Protective Operations.

While the files described above have not been analyzed in order to identify indicia of "dangerousness", the Service has made a number of efforts to develop a model that might support such analysis. During the 1960's and 1970's, a number of outside studies were commissioned to develop a "profile" of the type of individual likely to be dangerous to a protected person. These efforts produced little useful information. The Service now seems interested in pursuing broader concepts of statistical significance. Perhaps most promising to date is a symposium that the Service conducted under the auspices of the National Academy of Sciences in March 1981. The results of that symposium are expected in July.

Efforts to develop statistical tools for using the information now contained in the protective intelligence files have suffered from the Service's failure to follow advice, provided as early as 1969 in a study by the Bioengineering Corporation, to bring the effort in-house. Studies made in the past under contract with outside groups have not been based upon a complete or accurate understanding of how proposals would actually be used by agents in the field, nor has there been sufficient follow-up to permit evaluation and assessment of proposals actually put into use.

Conclusions

Intelligence Division

1. Since the Secret Service has no formal authority to direct other agencies as to the gathering or dissemination of intelligence to the Service, its intelligence collection activities have relied on the voluntary furnishing of information by Federal and state agencies, police departments, and mental hospitals. This voluntary process has been affected by recent legislation on privacy and information access, such as the Right to Financial Privacy Act, amendments to the Freedom of Information Act, and state medical privacy laws. Information required by the Service is no longer volunteered by sources now concerned about transgressing privacy protections or about being revealed as a source.

2. The Secret Service's protective capabilities have been impaired by the decline in the quantity and quality of intelligence collected by the FBI, which is the primary source of the Service's domestic intelligence. This decline is attributable primarily to the Attorney General's Domestic Security Guidelines and their effect in cutting off non-criminal domestic intelligence investigations.

3. The Intelligence Division has a fairly efficient system for storing, retrieving, and disseminating to Secret Service users the intelligence information it receives. The Division is failing, however, to make use of advances in statistical methods and data processing to improve its analytic abilities. In view of the fact that a similar criticism was made of the Intelligence Division in a 1969 outside study prepared by the Bioengineering Corporation, this failure may reflect an institutional problem within the Office of Protective Research.

There appears to be an improved receptivity to such an enterprise in the Intelligence Division under current management. The results of the Service's most recent outside study, a symposium conducted under the auspices of the National Academy of Science, may provide the theoretical base on which to begin in-house efforts at testing and verifying hypotheses.

Such an effort would require at a minimum additional personnel with data-processing-related skills, and additional personnel with professional training in statistical methods and behavioral psychology or psychiatry. The Service has no professionals in the latter two areas at this time, other than outside consultants, who are available for very limited amounts of time.

Liaison Division

1. The Liaison Division was formed pursuant to a Warren Commission recommendation, ostensibly to generate intelligence and intelligence sources. However, the Division spends most of its resources on protective operations assignments or activities other than intelligence support. This resource allocation does not carry out the Warren Commission recommendation and was criticized earlier in the 1969 Bioengineering Corporation Criteria Study.

2. Insofar as the Liaison Division is involved in intelligence support, the process is largely ad hoc. Liaison agents operate in an informal manner and, by and large, take their intelligence support roles to be passive ones, responding to Intelligence Division requests rather than generating more and better intelligence and sources.

3. The Service's agreements with other agencies as to the furnishing of intelligence were proposed by the Warren Commission as an aid to the Service's intelligence collection. The agreements are very general and appear to have become largely pro-forma documents.

4. While the Secret Service conscientiously attempts to encourage other agencies to provide it with intelligence, neither the Liaison Division nor the Intelligence Division has a formal procedure that adequately monitors the quality and quantity of intelligence received from other Federal agencies, and the current informal monitoring is not a sufficient substitute.

Recommendations

1. Because of the apparent effect of privacy and government information disclosure laws on the ability of the Secret Service to collect useful intelligence on a voluntary basis, consideration should be given to narrowing the scope of these laws as they relate to the release of information furnished to the Secret Service, and to protecting the right of the Secret Service to have access to information in the hands of private organizations and state and local governmental authorities.

2. The Secret Service should be given an executive mandate, perhaps in the form of an Executive Order or proclamation, to require greater assistance from other Federal agencies in the collection of intelligence.

3. Consideration should be given to permitting the FBI to pursue domestic security investigations where no criminal predicate is available; this may be done through appropriate modifications of the Attorney General's Domestic Security Guidelines for the FBI.

4. The Secret Service has not developed indicators to help identify "dangerous" individuals and groups, either by associating and correlating intelligence that might reveal the intentions of individuals and groups from their prior activities or by using so-called "profiles". Using data in the files of its Intelligence Division, the Service should attempt to develop useful indicators to assist it in identifying "dangerous" individuals, groups, and personality types. The Service should create within the Intelligence Division a more sophisticated planning and research operation, including five to ten non-agent employees with professional training in statistical methods and behavioral sciences. This group should be responsible, on an ongoing basis, for analyzing the intelligence data base in order to identify what types of information the Intelligence Division should be looking for, and what it should be doing with it.

5. The problems with maintaining Liaison Division as an intelligence-gathering group are compounded by its location outside the Intelligence Division. Liaison Division should be restructured and placed within the Intelligence Division. The resulting Liaison Branch should become aggressively involved in soliciting intelligence from other agencies and monitoring the amount and quality of intelligence generated. This Liaison Branch should take the lead in redrafting the agreements with other agencies so that they are more useful guides to the Service's intelligence needs that draw on the information developed by the recommended planning and research operation. If a liaison unit is needed to conduct work that facilitates advances and trips, it should be staffed through a separate liaison unit that does not compete for resources directly with the intelligence liaison function.

6. The Intelligence Division planning and research operation should also work closely with Data Systems Division to better define the data systems needs of the Intelligence Division, to insure that adequate computer programming and data processing support is provided to this enterprise, and to insure that the computer is being optimally applied to routine Intelligence Division needs.

DOMESTIC SECURITY (LEVI) GUIDELINES

THURSDAY, AUGUST 12, 1982

U.S. SENATE,
SUBCOMMITTEE ON SECURITY AND TERRORISM,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 2:15 p.m., in room 2228, Dirksen Senate Office Building, Senator Jeremiah Denton (chairman of the subcommittee) presiding.

Also present: Senator East.

Staff present: Joel S. Lisker, chief counsel and staff director; Bert W. Milling, Jr., counsel; Fran Wermuth, chief Clerk; and Samuel T. Francis, legislative assistant to Senator East.

OPENING STATEMENT OF SENATOR JEREMIAH DENTON

Senator DENTON. The hearing will come to order.

This hearing will conclude a four-part series held by this subcommittee on the subject of the Attorney General's Guidelines for Domestic Security Investigations under which the Federal Bureau of Investigation has been operating since April 1976.

In our first three hearings, we heard testimony from representatives of the Federal agencies that the guidelines have impacted, such as the FBI, the Secret Service, and the U.S. Park Police. It is clear that there is a consensus among those who speak for those agencies that the Levi guidelines are in need of reassessment and modification.

Today, we will hear from representatives of municipal enforcement agencies which have also been effected by these guidelines. It is my pleasure to welcome our two witnesses, Detective Arleigh McCree, officer in charge of the firearms and explosives unit, Los Angeles Police Department, and Inspector Fred W. Raines, director of the Investigative Services Division, Metropolitan Police Department, Washington, D.C. First, we will hear from Detective McCree, followed by Inspector Rains.

STATEMENT OF ARLEIGH McCREE, DETECTIVE, OIC, FIREARMS AND EXPLOSIVES UNIT, LOS ANGELES POLICE DEPARTMENT

Mr. McCREE. Thank you very much, Senator Denton.

I am very pleased to be here today and, obviously, very pleased that you chair this committee.

I have long admired the work that you did as a soldier and now as a U.S. Senator and it is with great honor that I am here.

I have been a Los Angeles police officer for about 18 years. For 10 of those years, I worked the special antiterrorist unit called the criminal conspiracy section. That unit investigates bombings, terrorist acts, and firearms violations committed within the jurisdiction of the city of Los Angeles. I worked specifically for some time against the American States Rights Party, the National States Rights Party, the Ku Klux Klan, and the American Nazi Party and probably successfully concluded one of the largest cases put together on those groups of people, arrested 11 and seized 376 weapons in one case alone and prevented some action, including the assassination of a judge, blowing up of some schoolbuses, blowing up of a police station.

So I am a field detective. I am not an intelligence officer per se. I am in charge of the bomb squad and the firearms unit and in the last 3 years my unit has responded to 1,875 suspected bombs. We have disarmed 156 explosive devices or bombs.

On about 416 of those incidences, we also picked up other explosive arms, hand grenades, claymore mines, rockets, those types of things.

We have investigated 95 bombings during that same period of time. My cumulative experience in that regard—I have probably investigated about 500 bombings committed by terrorist groups and, of course, just criminal elements.

A significant number of those bombings, however, have been carried out by terrorist organizations with four or five groups currently being active in the Los Angeles area.

On four separate occasions within about the last year, members of my bomb squad have narrowly escaped death or serious injury by disarming terrorist bombs moments before they were about to go off, in one case by about 10 seconds. This causes me grave personal concern as I cannot help but feel that luck has played as much a role in that good fortune as our skill has.

My concern is really focused on recent terrorist activities at Los Angeles International Airport and attempts that were made to blow up an Air Canada terminal. We disarmed that bomb with about 12 minutes to spare. This group, the Armenian Secret Army for the Liberation of Armenia [ASALA], has threatened to carry out additional acts of terrorism unless their comrades being retained are released. They have given us until August 14 to comply with that mandate.

Senator **Denton**. When did they first announce that ultimatum?

Mr. **McCree**. They announced that with the very bizarre and bloody raid at Ankara Airport where they killed 6 and machine-gunned 250, and that was earlier this month, as a matter of fact; and I think it is the Armenian terrorist groups in Los Angeles that have carried out 11 bombings and 1 assassination. It is unfortunate that our very large law-abiding Armenian community and Croatian community are being tainted by terrorist groups because it is estimated that we have approximately 200,000 Armenians in the Los Angeles area and approximately 150,000 Croatians. The problem is that—that I have observed is our—the decaying ability of us to separate the law-abiding citizens from the terrorists and the criminals.

I think this situation is directly brought about by the dismantling of the intelligence apparatus or community in the United States and certainly locally as well.

I am fearful that the well-intended right to privacy and freedom of information laws—they were intended for good purposes. But I am afraid that it just was not assessed well enough, the ultimate impact of it. It has a rippling effect literally. I have documented in my prepared statement a series of serious incidences of how terrorists have used the existing laws to more or less shield themselves from investigation. It is in printed form which I could have inserted into the record—and I would suit your pleasure on that.

Senator **Denton**. All right, sir.

Without objection, it will be placed in the record.

I notice the title of it is "A Case For Self Defense." Is that the document to which you refer?

Mr. **McCree**. Yes, sir, it is.

Senator **Denton**. Do you want to summarize that briefly?

Mr. **McCree**. Yes, sir. Perhaps that would be to our advantage.

I think, as a result of several cases that I worked, and as I indicated, I am not an intelligence officer and really do not represent myself as one—I am a detective.

We had a series of incidents in California when a group was carrying out bombings and they called themselves the New World Liberation Front. At one point, they were publishing a document called the "Dragon," of which I have brought a copy with me today. It is a small blue pamphlet. They published a series of 10 of them. Many of the people that were in this group would put this document out with basically revolutionary rhetoric. But it also had one entire section on how to make bombs and that sort of thing.

[The aforementioned document appears as exhibit A in the appendix to this hearing.]

Mr. **McCree**. At that time the right to privacy and freedom of information laws had just been passed and I noticed almost a paralysis on the Federal level.

The FBI, for example, was not even allowed to read this publication. They were not allowed to collect the names of anyone that was affiliated with this group. Yet, three well-known Weather people, Weathermen, were affiliated with this organization. They could not read the document at all. They could not collect the names of any of the individuals. They could not take their pictures. It rested with us in local law enforcement to do that.

Subsequently, the group started a series of bombings——

Senator **Denton**. Let me make sure I have got this straight. Now, this document—what is the name of it?

Mr. **McCree**. The Dragon. It was put out by the Bay Area Research Collective.

Senator **Denton**. You could read that and I am sure that any other citizen of the United States picking it up could read it except a member of the FBI or some associated agency. It would be against the law for them to read that for official purposes?

Mr. **McCree**. Well, I suppose he could read it but he certainly could not retain it at that time. For example, I worked very, very closely during that period of time with a number of San Francisco FBI agents, and I might add I have the utmost respect for them, and they were frustrated to the point of madness by it because, again, they were in that transitional period where no one understood the implications of the Privacy Act and the Freedom of Information Act, and it literally rested with us in local law enforcement to gather this data.

A good example of just how ridiculous it was—the group came to Los Angeles. They were San Francisco Bayists. They came to Los Angeles and put two bombs on our police cars, very, very powerful, pipe bombs with boobytrap mechanisms so that it would kill the officers in the cars. I had been maintaining information on this group because we did not have a similar law at that time in California. However, we do now.

Within a couple-of-day period—we identified the people that had perpetrated those attempted murders. The group immediately fled back to San Francisco and when they did, the way they used this law, and they use it very cleverly—those people that I named in the indictment simply went underground. They then surfaced with a new publication called TUG—The Urban Guerilla. If I could indulge you to read one thing they say—it is amazing.

[The document referred to, TUG N.4, appears as exhibit B in the appendix to this hearing.]

Mr. **McCree**. On page 13 of TUG N.4, they are talking about mistakes that they have made in the past, correcting mistakes, and they say a good example of a mistake is our handling of the communique sent to us by the People's Light Brigade in which PIR-1, which stands for the People's Informational Relay, may have been well responsible for the failure of an attack on Pacific Gas & Electric in Mill Valley. Here is what happened:

> We picked up a copy of the communique at 11:00 p.m. and had just finished retyping it at 11:45 (2 hours after the People's Light Brigade said the action had occurred).

They go on to say:

> We received a call from channel 7 asking if we knew anything about a bombing. We read channel 7 the communique. Much to our surprise, they were talking about another bombing shortly before in San Francisco's Now Valley district; they knew nothing about an attack on PG&E in Marin (Pacific Gas & Electric, a public utility).

They say Channel 7 immediately called Pacific Gas & Electric——

Senator **Denton**. Channel 7 is a TV station?

Mr. **McCree**. Yes. So they called the Marin County Sheriff's Department, and the Marin County Sheriff's Department called the Army and they found that a fence had been cut at the PG&E facility. The area was evacuated and the Army found two bombs at the PG&E substation. One had misfired and one was still ticking. It was disarmed.

They also, in this document, and I will turn to page 38, print a picture of two PG&E executives. They identify Mr. John F. Bonner, president and chief executive officer of PG&E. They show a picture of his home.

On the following page, Mr. Richard H. Peterson of PG&E, and they show a picture of him and a picture of his home.

They go on to call these people criminals. They come back over on another page, page 42, their home addresses, what other corporations those executives sat on and they say, let us quit talking. They really advocate that the groups, the affiliate groups, quit talking and make this bomb and here is a picture of the bomb showing exactly how it is put together, pages 51–52. It has precautions to do and some things not to do.

They then show fertilizer explosives on page 53. Here is where a lot of people do not understand how the Freedom of Information Act works. The terrorists used the Freedom of Information Act to get military manuals and the military manuals that were used in this case are TM31-201, which shows how to grind up common household items and make explosives. It is a Special Force's manual.

Now this is how the Freedom of Information Act is used. Individuals can literally go to a supermarket or a gardening supply house, buy everything he needs. The declassification of those manuals has, in my experience as a bomb technician, been tragic to this country.

Many people say they do not understand that something like that could be declassified. Yet we see people making these bombs, blowing up airports, killing themselves in the process frequently, I might add, and as near as I can determine, police surveillance never killed but the Freedom of Information Act has killed quite a number of people.

So the group does this kind of sleazy thing. I got this particular manual TUG N.4 by going up and knocking on the door at 423 Oak Street. The guy asked me what I wanted. I said I wanted to buy a copy of the magazine. I slid $2 under the door and he slid the terrorist manual under the door to me.

I have another publication with the picture of John Barbagelata on the cover.

[The publication referred to is TUG N.1 and appears as exhibit C in the appendix to this hearing.]

Mr. McCree. He is a member of the San Francisco Board of Supervisors. They show giving him a candy box. They mailed him a bomb in the candy box. His children, small children, were pitching this box back and forth. The device that was inside, I might add, came out of a declassified military manual, FM531, which is the Army boobytrap manual.

The children were throwing it when the mother heard a loud click. When the bomb squad ultimately came to check the item out, it was a bomb that contained a mousetrap device which they showed you how to make in this FM531. The only reason the children were not killed is that they put candy—there was candy in the box and one of the pieces of candy wrapper got between the two electrical contacts on the mousetrap. They say we did not try to kill children and one-third of or half of a stick of dynamite will not kill anyone.

If you ever get the opportunity, I made the letter bomb movie entitled "Postmark Terror." I invite you to look at the mannequin being blown up in that movie, and in that we use that exact device because I made it. So we see these kinds of things going on all the time now.

We never saw nitroglycerin or mercury fulminate or some of these other exotic products used by citizens until the declassification of these manuals under the Freedom of Information Act. So that is my concern as a bomb technician and as someone that is trying to disarm these bombs.

As I have indicated, I have come very close to losing almost my entire squad this year. We have had four very, very close calls. I could document incidents like this all day. In my prepared statement that I asked be inserted into the record entitled "A Case for Self Defense," I document a number of the other incidents. If you would like to take the time to examine them——

Senator DENTON. Well, we will have this inserted in the record, along with any other information you have. We will certainly be interested in that.

I presume you would not object to our—or you would request that we insert the documents you have referred to into the record as an example of the type of literature that is available, which contains in many cases information which has been declassified under FOIA and put to ill use.

Mr. MCCREE. Yes, sir, and these are some of the less insidious examples, I might add.

I have here a publication called "Soldier of Fortune." I want to turn to page 19, I think it is—no, page 16. People always say, well, we are suppressing people's first amendment rights and freedom of the press, if we tighten these laws up.

[The portion of "Soldier of Fortune," Sept. 1981, referred to appears as exhibit D in the appendix to this hearing.]

Mr. MCCREE. Here in the brackets on page 16, in the top left-hand corner, it says, note, none of these manuals are available in Canada.

Now the Canadians have never been accused of being a repressive government or a police state. If they can keep this garbage out of Canada, I do not know why we cannot keep it from being printed in our country. For example, one of the most dangerous publications, the U.S. Marine Corps Destruction by Demolition, Incendiaries and Sabotage Manual and the Navy's Underwater Demolition Team Manual—you can just send off and get it. So if you do not know how to blow up a ship and you need to know, you can write off and find out how to do it.

These are real examples. They are not fakes. I have seen ships blown up and sunk right in the Los Angeles Harbor, then received calls from a terrorist group claiming to have carried out the attack.

People do bizarre things these days and they do much of it simply because of the declassifcation of these military manuals. The right to privacy, of course, is an entirely separate issue. But it is absurd.

Senator DENTON. I happened to pick up in my hometown airport either "High Life" or "High Times".

Mr. MCCREE. "High Times."

Senator DENTON. "High Times," because the cover story seemed pretty interesting. Indeed, they had advertisements not only for all kinds of drug paraphernalia and different types of narcotics but full-page stories and ads about equipment and techniques which one could use to smuggle narcotics in the United States, how to use infrared to avoid the Coast Guard.

It strikes me as remarkable that that sort of thing and the things you have just mentioned, which are so directed against our security and well-being, would be protected by the first amendment.

I do not like to see a headline such as the one in the Washington Post yesterday. The story was not so bad but the headline was that I was for reducing rights.

I think the absurdities which you have brought out this morning, and the ones that were brought out in testimony yesterday, would prove that we are not trying to restrict anyone's rights unduly but we do not want a situation in which criminals and those who would subvert our society are given tremendous advantage. As you say, I see no other nation in the world in which this obtains.

Mr. **McCree**. Here is a document put out by a Nazi type of an individual called "The Militants Formulary," and it is quite an old document. But, again, some of the stuff in this manual is declassified out of military publications and one of the most deadly things in here refers to the hydrodyanic acid and how it is used to kill people.

["The Militants Formulary" appears as exhibit E in the appendix to this hearing.]

Mr. **McCree**. It just to me boggles my mind that the Canadians can see fit to screen much of this material out of their country. Now "The Soldier of Fortune" does not—I want to make this point. This Palladin Press is based over in Arizona, I believe, and they are the ones that sell these manuals and I would invite you to look. It runs from about page 16 all the way to page 20, just various military manuals that have been declassified and that they are selling. Again, I see them because when we go arrest these people we take these manuals away from them and that is where they have gotten them from, the Palladin Press. As technology, weapons technology and different things are declassified, we are going to see ourselves ultimately in a predicament where some things that are going to be declassified really make mass murder possible by highly technological terrorist groups because the Freedom of Information Act is still in effect. It has not been modified and unless it is modified, in my judgment, we are going to see some of those types of things happen because we see it happening daily on the streets now.

Senator **Denton**. I want to interrupt for a moment in order to welcome my friend and colleague from North Carolina, Senator East.

Have you essentially finished your opening remarks?

Mr. **McCree**. Yes, I have.

Senator **Denton**. As I have stated, we will include your statement and all the other documents that you wish to be included in the record.

If you have an opening statement, Senator, please feel free.

Senator **East**. I appreciate that. I will make some comments when my turn comes to question the witness. I know you are working under severe time constraints—I know you have another witness and we have votes coming up on the floor. Please proceed.

Senator **Denton**. It is my understanding that the Levi guidelines were used as a model by the Los Angeles Police Department in formulating its own intelligence gathering rules. I understand you have a copy of the LAPD guidelines for the record.

Mr. McCREE. Yes, sir. I would like to categorically state, though, that our police commission, much against our protest, imposed the Levi guidelines on us. We did not do it to ourselves. But the net result is the same thing and I would like to submit a copy of it. You will notice an amazing similarity between it and the Levi guidelines and I have been told that it was used.

[The L.A.P.D. guidelines appear as exhibit F in the appendix to this hearing.]

Senator DENTON. I would reiterate what was said yesterday, which is an opinion, that it is not so much that the guidelines in general are that restrictive, although in a couple of instances they appear to be such in the length of time in which investigations can run. There are other factors such as the vagueness of public policy in the domestic security area, the number of lawsuits brought against the agents, and concerns regarding the way the newspapers or television will present such suits and allegations which inhibit aggressive intelligence collection efforts. You have that inhibition running from top to bottom within the FBI and other agencies.

I will be asking you and Inspector Raines—I will ask you right now. Those inhibitions are not diminished as you go from the FBI down to the municipal level where you are trying to emulate the FBI in caution. Is that correct?

Mr. McCREE. Of course, there are a number of lawsuits pending on some of our police officers in Los Angeles as a result of intelligence gathering activity. It does, I think, inhibit everyone because the lawsuit is used, of course, as an instrument to keep the police departments and intelligence divisions tied up frequently, as much as one's sense of the first amendment is aggrieved. Sometimes it is used as a weapon. I would like to mention one particular lawsuit but I cannot because it is under litigation, very much in that arena.

Senator DENTON. But the Privacy Act, the Freedom of Information Act, as well as the Levi guidelines, have resulted in a compulsion toward a conservative interpretation so that those charged with responsibility in domestic security can avoid problems in what they perceive to be a very uncertain area.

Mr. McCREE. Yes, sir, sometimes to the point that I do not think we do our job even because of it.

Senator DENTON. That was the testimony yesterday also. So you would think that beneficial modifications in the present domestic security guidelines of the FBI might result in modification of your own local guidelines?

Mr. McCREE. I would hope they would, although I do not have any great expectations they are going to, because, for one thing, the California Penal Code 13300 and 13302 and section 11142 are statutes, again more or less modeled, if you will, after the Levi guidelines, the Freedom of Information Act, and the Privacy Act. So that would take a legislative change, to change them, and I see that being a very slow process, if one that is going to occur at all.

Senator DENTON. Well, some of those Californians out there are aspiring toward more than State office. I understand Tom Hayden is considering running for the U.S. Senate.

Mr. McCree. He is one of the founders of the SDS which, of course, evolved into the Weather Underground Organization. So I think that puts him in his proper perspective.

Senator Denton. It has been stated that the FBI presently perceives security intelligence as a byproduct of criminal investigation. Will domestic security intelligence be utilized in a timely and proper fashion where it is being recognized and transmitted by an agent whose training and primary concerns are for the criminal aspects of the investigation and not for the domestic security aspects? I do not know if you fully understand——

Mr. McCree. Sure do. I am a criminal investigator. There is no way that in conducting a criminal investigation I can at the same time be proactive with intelligence information. The two are not the same thing. It is like trying to compare apples and oranges or, as I heard one witness say, cucumbers and watermelons. They are not the same thing. We just cannot do it.

Senator Denton. We have been checking with Director Webster because he seems to have said that the two are the same and should be approached from the same point of view. That appears to be one of the problems with the philosophy of the guidelines.

Mr. McCree. Well, sir, if I can be—I would like to be, of course, as generous to the judge as I can about this. I am a police officer, a detective. For 7 years I was the intelligence officer with the International Bomb Technicians and Investigators Association and I would say, with all due respect to the judge, that it simply illustrates his lack of experience in the area and I do not mean to be unkind about that.

Senator Denton. Would you say there is a significant difference in the quality or timeliness of the two different sources of intelligence?

Mr. McCree. Absolutely. There is no way it can be timely when it is gathered in that manner because it is an after-the-fact type of situation where really, for intelligence information to be relative at all, it needs to be proactive. You need to know something is going to happen before it happens and prevent it.

But, for example, if you read in the paper this morning, there was a bomb aboard a Pan American flight coming to Honolulu. A young boy was killed and a number of people were injured. We have a preventive program to deal with that. It does not help us nor especially the victims, to now try to find the man who planted the bomb, if the bomb was indeed planted on the aircraft. There is a question about that. But I have arrested a number of bombers and it is sure nice to prevent the crime before it happens. You cannot do anything for the people that the Alphabet Bomber killed at Los Angeles Airport a number of years ago.

Senator Denton. So timeliness is not only a factor in the effectiveness of intelligence but in crime prevention?

Mr. McCree. Absolutely.

Senator Denton. Senator East, are you ready now for questions?

STATEMENT OF SENATOR JOHN P. EAST

Senator East. I was just going to observe that this is fascinating testimony. This concern we have had about the Levi guidelines at the Federal level, obviously, is affecting States and local governments in their activities. For the sake of time, a point I would like to underscore in passing is what I was noting yesterday, Senator Denton. When you get into areas in the United States—for example, corruption at the highest levels of government, ABSCAM—public leaders show very aggressive attitudes toward wanting to ferret that out and, rightly so. I was noting on the television discussions of the problems of organized crime and the Mafia and the very aggressive posture of law enforcement to get the information they need to solve these problems because they are threats to public security. But the curious thing is that when you get into these ideological crimes, be they racist inspired or Communist inspired or Nazi inspired, often all kinds of off-the-wall, if you will, ideologies that motivate these people—all of a sudden there is an enormous timidity imposed by the Government, by the media, a whole phalanx of people that look on this as a great threat to civil liberties.

I find that curious and I would like to see some good explanation of that by those who enjoy that posture and take it. After all, as we have been noting here, the protection of life and property is the most fundamental responsibility of the Government. At least with ABSCAM, it was merely money. You would want to ferret that out and yet when it comes to bombings and assassination attempts and assassinations, there is frequently a strange hue and cry about whether or not we are interfering with civil liberties or first amendment rights and I would simply underscore again, as you are, that no right is more fundamental than the right to be protected in your person and property, and I would contend the right of security is a condition precedent, as I noted yesterday, to enjoying other basic rights, for example, first amendment rights.

I would hope, Mr. Chairman, if nothing else came out of these hearings, besides some alleviation of the Levi guidelines which we apparently have been promised, that we would at least begin an educational process or what I think is a reasonable inquiry why there are differing public perceptions of these problems. Why is it appropriate to be aggressive in having the tools to ferret out ABSCAM types, ferret out Mafia types, and no one questions that. We want to do it. And yet when it comes to the ideologically motivated crimes, there is this very decided change of character that some way or other this ought not be done and we do not appreciate the prevention problems you are talking about. We do not appreciate the freedom of information you are talking about.

I think that is the whole thrust of this, but, again, a little public dialog on it, if nothing else, could get some explanation of why the double standard.

I would submit for the record, it is clearly there. There may be a rationale for it. I do not know what it is and it is not apparent to me but I would like to know what it is, if it is there.

So I find this testimony very valuable to underscore what we have already seen from these gentlemen that come to us from the Federal level and now we get a man that is on the front lines of this problem on the local level, confronting the same problems. It must be a national malaise of some kind which must frustrate the daylights out of our law enforcement people who are left to the tender mercies of ideological madmen and who are simply not allowed to have the responsible tools they need to monitor, at least to collect data, collect information and possibly protect the public thereby. I find that an eminently reasonable posture to take, and I see no reason why they are attempting to put you or me or the U.S. Senate on the defensive. I do not know what is so unreasonable about it.

Thank you, Mr. Chairman.

That was not a question but a statement all wrapped into one.

Senator DENTON. I am glad you made it, Senator East.

Again, to put this problem in an overall complete context, we have agreed and the witnesses have agreed, that the Levi guidelines, the Freedom of Information Act and the Privacy Act have all been well intended. Those pieces of legislation and the guidelines were initiated because of abuses of power by the FBI and the CIA that have occurred in the past. We are now looking at a situation in which the conditions resulting from those guidelines and acts may represent an overreaction which requires a reexamination and modification of the guidelines. But aside from the guidelines, the Privacy Act and the Freedom of Information Act, there is a fourth factor which seems to be inhibiting effective and safe law enforcement—the political climate. To a great degree, the political climate is determined by the media.

I will give you one example. A New York Times article a couple of months ago indicated that liberals' fears of Senator Denton's Security and Terrorism Subcommittee are subsiding. No matter what I am accomplishing in this subcommittee or trying to accomplish by an accumulation of findings, these findings are not being reported in the press. Therefore, the Nation does not have to worry about this sinister figure. I do not think that such one-sided or narrowly focused reporting is conducive to a well-balanced and realistic political climate. An objective reexamination of the guidelines, the Privacy Act, the Freedom of Information Act is needed for the protection of the most basic right, the right to live and to retain your possessions. It must not only frustate the daylights out of law enforcement but blows the daylights out of them when the bombs go off or the criminals gun them down. If anybody is in doubt about my desire to correct this situation, let me relieve that false impression.

I intend to push for corrections to the domestic security guidelines since I have already reached the conclusion that they require correction. I believe this is also true in the case of Director Webster and every witness we have had before the subcommittee.

Director Webster stated that the guidelines force them to focus on activities rather than ideology. Is there a benefit from investigating and monitoring groups based on ideology and overt advocacy of violence as well as on activities or conduct?

Mr. MCCREE. Well, I do not, personally, think, knowing and being a long studier of the ideology of the terrorist groups, that you can concentrate on either one exclusively. I think you have to concentrate on what their ideology is. For example, if a group is philosophically opposed to, say, the Turks, you need to look into the ideology, the background and everything to determine, if you can, what is going to occur next and, frequently, you can predict what is going to happen next. You absolutely have to look at the ideology. I think you do.

Senator **Denton**. What disadvantages do you see to investigating solely on the basis of conduct?

Mr. **McCree**. I do not think you can ever predict, as I indicated, what they are going to do. I find terrorist groups to be very—they have their martyrs. They have the issues that they are involved with and there is no way you can make any sort of prediction about what they are going to do. You do not know who their possible enemies or adversaries are going to be unless you listen to their ideologies, discussions, talk, rhetoric, publications. You have got to read that stuff. You have got to know.

Senator **Denton**. I recognize, as I am sure Senator East does, that there will be times when an individual representing a group or a group is blowing hot air, but you have to be in a position to at least make that determination, if possible.

Mr. **McCree**. You do. For example, a guideline, an arbitary guideline of 90 days which, for example, our police commission uses or the Levi guidelines uses. I worked for some time directly with the terrorist groups as an operator against them and a lot of times it takes more than 90 days for them to firm up their plan. It takes them that long in their internal testing process to satisfy themselves that you are worth trusting, if you are an operator, and to simply put a 90-day guideline on it, I could very cleverly, if I knew that was done, circumvent the entire system. Many times you cannot develop good solid information at all in that short a time, especially dealing with groups that have a long-range commitment to something.

Senator **Denton**. That is a very good example of the disadvantage of the 90-day limitation. But there are many other disadvantages, such as not being able to maintain a continuum of surveillance and not being able to maintain intelligence or information as to what they are doing, who the members are and what their pattern of activity is.

You have had, I think, an unusually broad spectrum of violent activity in the Los Angeles area. How would you characterize the purpose, the general purpose of the violent activity undertaken by the groups which you have described?

Mr. **McCree**. Well, sir, it has a purpose that I think is very explicitly explained in this "Minimanual of the Urban Guerrilla." I have probably, over the last 15 years, confiscated more of these than you could put in a pickup truck. All of the terrorists read it and it expressly says—there are two purposes for violence: One is to demonstrate that the government is not invincible and that you can militarily carry out acts, small unit tactics, against the establishment, military, or police, and thereby demonstrate to the more timid who would really like to be a revolutionary that he should join the movement; and then, of course, the opposite end of that is to so intimidate the timid who would be willing to give information to law enforcement or to support the establishment—to terrify them into not doing that. So those are the two purposes, really, of it, as they so state.

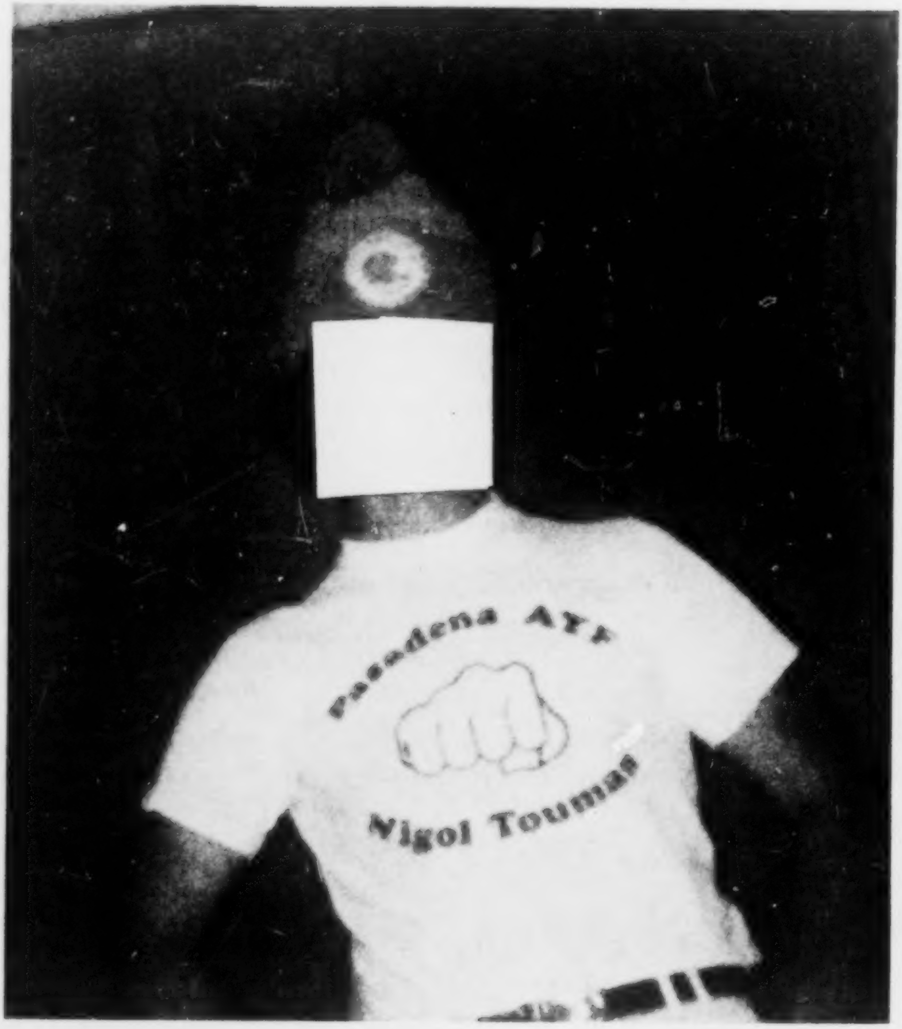
[The "Minimanual of the Urban Guerrilla" by Carlos Marighella appears as exhibit G in the appendix to this hearing.]

Senator **Denton**. One other disadvantage which appears to exist regarding the limitations derived from the guidelines is the inherent failure to recognize that some perfectly legal groups, overtly legal groups, are providing support, propaganda, safe houses, perhaps weaponry and legal aid to truly terrorist and subversive groups. There is no way to make that distinction or to get at the overtly legal organizations in the present climate and under the present guidelines.

Do you agree with that? And how would you discuss that?

Mr. **McCree**. The way I would handle that—and I had an opportunity to discuss this with the district attorney before I left Los Angeles, and I think one of the more chilling examples of that, and I have a photograph of that for admission into the record—I would ask, of course, that the young man's face be blocked out. But I have a photograph of a young man who was wearing an Armenian Youth Federation shirt and that young man was, to all appearances, a young man who appeared at demonstrations when the Armenian community was demonstrating against Kemal Arikan, and the Turkish Ambassador to the United States, who was visiting in the area.

[The photograph referred to follows:]


Pasadena AYF
Nigol Toumas

Senator **Denton**. He was murdered in Los Angeles?

Mr. **McCree**. He was murdered in Los Angeles in January of this year.

This man made that transition back and forth between this legal group that demonstrated, legally and lawfully demonstrated but, in reality, that young man was also a terrorist and would not it have been—and would not it have preserved Mr. Arikan's first amendment rights if we had been able to proactively infiltrate that group, do a good police job the way we are supposed to do it. Mr. Arikan might be alive today had we been able to do it. We did not do it, and he is dead, and future acts like that will happen as surely as I am here.

Senator **Denton**. The nature of that violent activity, or at least one of its purposes, in extrapolation from the small group with its own independent purpose, seems very similar to what Claire Sterling characterizes as the terrorist network, which came to mind with your mention of the urban guerrilla handbook which was written by Carlos Marighella. The existence of this terrorist network or coalition is one fact we are trying to bring before the media, hoping they will promulgate it to the American public. It is very unfortunate and dangerous that this urban guerrilla handbook is available in Toronto——

Mr. **McCree**. May I point out to the committee how I got that book?

Senator **Denton**. Yes, sir, please.

Mr. **McCree**. A young man I met in Los Angeles, who allegedly was a member of the Venceremos Brigade, which had 5,000 people who went to Cuba for training—he gave me that. He also told me he was instructed in explosives and sabotage there. This sort of thing goes on all the time.

I would respectfully decline to identify that individual but a lot of people have been trained down there and that is the type of information—and there is much more incindiary types of information coming back, I might add.

So, yes, sir, it goes on all the time.

Senator **Denton**. Just a couple of more questions before I turn the questioning over to Senator East.

In your opinion, has the back of the Weather Underground Organization been broken?

Mr. **McCree**. No, sir. I have heard that statement made a lot of times. In 1977, in Los Angeles, we arrested five members of the Weather Underground: a man named Clayton Van Lydegraf, a girl named Judy Bissell, a boy named Thomas Michael Justice, and a girl named Leslie Mullen, and this was a joint operation with the FBI.

As a matter of fact, William Reagan, an FBI agent, had infiltrated that group, the Prairie Fire Organizing Committee, I might add, prior to the Levi guidelines because it would be unlawful to infiltrate now.

Mr. Van Lydegraf was cochairman of that committee. Jennifer Dohrn, Bernadine Dohrn's sister, was involved also. Now, that day, that time when we arrested them, we got six weapons, 181 pounds of explosives, and arrested the five of them; everyone said we broke the backs of the Weathermen, and with the Nyack, N.Y., incidents, everyone is saying the same thing.

Where is Marylin Jean Buck, Candice Yokey, Judy Bissell, Catherine Ann Power—and I could name names as long as the committee was willing to sit here. But I think it is—I think it is wishful thinking, Senator.

Senator DENTON. Senator East?

Senator EAST. What do you feel are the most significant things that need to be done to improve the position of local officers in dealing with this problem? For example, the Levi guidelines or local Levi guidelines or facsimiles, you think are overly restrictive. You mentioned the Freedom of Information Act, which you think allows for enormous things to be tightened. This is the type of information that these ideologically motivated individuals get. Are there other things that you can think of that would be particularly useful as you see it, changes, either made—obviously, we are more preoccupied here with the Federal level. But we would be interested in your opinions as to how—well, in conjunction with it, what are the tools that are needed here?

What changes might be made of a legislative character that would allow a more effective gathering of data, flow of information, and some more effective prevention of this kind of activity which is the goal we are ultimately after?

Excuse me, we will have a turnaround of three votes, back to back.

Before you answer that, perhaps you could answer with the staff. I gather Mr. Lisker is going to be able to carry on.

Would you have any objection, Mr. Chairman, if at some point, Sam Francis might ask a question if you are not here?

Senator DENTON. I would have no objection at all.

Senator EAST. I regret because of the time and the time it takes to get over there—we have to depart. Seeing we have three votes back to back, which is going to be time consuming, I hate to say—but your comments and anything the staff asks will be valuable to me.

We certainly would not want you to wait for us to return. You would be hoping against hope. But we do appreciate your coming and we will value not only what you say, even though we are not here—you chaps might be better listeners than we are, and they will pass it on to us.

But I would appreciate your commenting to him on any other question that he may have on this matter of what might be done

Mr. MCCREE. Fine, sir.

Thank you.

Senator DENTON. Thank you, Senator East.

Before I leave, and I will return immediately after the vote, go ahead and respond to Senator East's question.

Mr. MCCREE. Yes.

I think, Senator East, that I see—for example, one of the finest bomb technician schools that was in being in the country, at Redstone Arsenal in Alabama, ran out of funding and thank God that the FBI picked it up because it was being LEAA funded and it was literally going to go out of existence had not the FBI picked up the banner.

We see happening the same thing in the educational area for law enforcement and, again, it would virtually be nonexistent if it were not for the FBI. They run a thing called the bomb squad commander's seminar. They used to run several programs where it was largely a technological thing, as much as giving you data about how bombs were made and how to deal with the increasing technology that we are encountering. I think that is a very fruitful area and perhaps if we could establish some kind of schools to streamline the intelligence-gathering ability and perhaps in that way, if we could try to standardize it and get it a little more uniform, people would be less concerned I think about transgressions of their rights, whether they be first amendment or freedom of the press rights. I think those are areas that lend themselves very decidedly to improvement; and if we could do something like that—we find one intelligence area is doing one thing one way and another is doing it another way and if, again, maybe perhaps through the office of the FBI, we could end up with some increased training in that area; and I think again it would lend itself less to abuse if it was standardized.

Senator DENTON. After I ask this question, I will depart and then Mr. Francis can continue with Senator East's questions.

It has been alleged that there are relationships between the various radical and terrorist groups, similar to interlocking boards of directors in the business world. We heard conflicting testimony on whether such linkages exist between various groups. We have had some indication derived from the Nyack, N.Y., armored car robbery that the Weatherman and other organizations are falling apart and remnants of former terrorist groups are banding together in a last-ditch dying effort to do their thing; we have also had testimony to the contrary.

Do you have any information that there are still existing relationships between various radical and terrorist groups?

Mr. MCCREE. Yes, sir. I do not think there is any question about it. For example, just using the Nyack, N.Y., thing, we see members of various groups involved there, the Black Liberation Army. This so-called May 19th Communist Organization was nothing more than a splitoff from the Weatherman to start with. It was the east coast split. We see the National Lawyers Guild people involved in that type of activity, not only apparently are they there as legal advisers, but I, in my paper, document about five instances where they transcend their advocacy and, as a matter of fact, involve themselves in direct activities of terrorism. Smuggling guns to inmates, like Stephen Mitchell Bingham smuggled a gun in to George Jackson. He is still a fugitive. There were a number of instances specifically cited in the paper. Some of the Bay Area Research Collective people were Weather people and remnants of the SLA.

I do not see that at all as being as you define it, or as the previous witness defined it. I see it more in the context that a group of people who have similar ideas have gotten together to exercise them. So there are a number of instances like that that I deal with in the paper.

But, specifically, Weather Underground or remnants of Symbionese Liberation Army, Weather people, Black Liberation Army people—that is really nothing new. They have long, for example, carried out coordinated activities.

One of the first, Marylin Jean Buck, the girl's name I mentioned before—I interviewed several of the people that participated a number of years ago in an action where they killed a police sergeant. One of the individuals at that time told me, Ms. Buck, that she cased the Ingleside Police Station before the attack and yet the attack was carried out by the Black Liberation Army.

She also went around the country procuring weapons with false identification which was printed up by the false identification expert, Candice Yokey.

So there have long been those ties of activities where they use coordinated activities.

Senator **Denton**. Thank you.

I will turn this over to Mr. Lisker while I go for a vote.

Mr. **Lisker**. Mr. Francis?

Mr. **Francis**. Do you have any instances you can cite in which groups have been known to manufacture nerve gas?

Mr. **McCree**. Yes, I do.

Mr. **Francis**. Could you describe that?

Mr. **McCree**. Yes. As far as fixing the time frame, it was sometime back. We had an individual who had all the ingredients he needed to make nerve gas, with the exception of one, and that ingredient was an ingredient called phosphorous-oxyl-chloride. He had it on Will Call at LA International Airport, and was trying to sell a pump shotgun for $80 so he could gain the sufficient amount of money to go down and get it from Will Call.

There have been other attempts, as well. The Alphabet Bomber, for example, was very near synthesizing nerve gas, the infamous Muharem Herbegorich.

So there have been a number of attempts to do it, and I might add, very near successful ones.

Mr. **Francis**. Do you know whether the information that these individuals used to try to produce this nerve gas, whether this was obtained through the Freedom of Information Act?

Mr. **McCree**. Yes, it was. It was declassified originally by, I understand, mistake, but he procured it after it was published in another document, again, one of the attempts, I guess, on the part of some misguided member of the news media, attempting to think he was serving the public. But that is how he came by it, yes, sir.

Mr. **Francis**. One other question. There is a report in Newsweek this week, I believe, about the resumption of activities allegedly by a group known as the Black Guerrilla Family, allegedly an assassination plot in the California area. Could you briefly describe the Black Guerrilla Family? I am not asking you to comment on that particular documented case, but what you know about it.

Mr. **McCree**. Yes. Well, I know many of the people personally and have talked to them on a number of occasions. Possibly, one of the most infamous is a man by the name of Elmer "Geronimo" Pratt. He and a number of the other black inmates in the California prison system belong to the Black Guerrilla Family. It is essentially the inprison component of the Black Liberation Army, if you will. And of course, as I said, I have talked to a number of them; I know many of them and have known many of them for years. They are a revolutionary group inside the prison walls. Their philosophy is entirely compatible, if not identical, as I say, to the Black Liberation Army's. They seek revolution, and they are a very violent group. Many of them are very proficient with weapons and explosives, and Mr. Pratt, of course, being supreme in that category, I might add.

Mr. **Francis**. One more question. Do you have any concrete idea of the extent of extremist or terrorist activities within the prison system, recruiting efforts, or things like that?

Mr. **McCree**. Yes. Over the years, having had an opportunity again to talk to many of the people that were approached about recruitment in the prisons, the Symbionese Liberation Army, for example, exclusively recruited in prison, and there have been other examples. One example I would give you is the New World Liberation Front in some of their Dragon publications, talked to Kenneth Como. Now, Kenneth Como was one of the Charlie Manson family, and a very vicious individual. They recruited him, apparently, into their group. And then, there are other things like the Wellspring Commune and Tribal Thumb, which is another inprison terrorist group, that has again spilled its activity over out onto the streets. There have been attempts on the parts of some of the terrorist groups to recruit members of the Mexican Mafia and Nuestra Familia, to carry out assassinations both in and out of prison. So it is very common, yes, sir.

Mr. **Francis**. Thank you.

Mr. **Lisker**. Detective McCree, you alluded earlier to the relationship between the overt groups—that is, those whose activities are arguably protected as being within the first amendment—and the covert group, which actually engages in the violent activity or in propaganda.

Mr. **McCree**. Sure.

Mr. **Lisker**. Is it your view that the relationship of those groups in part is the result of the attraction for the violent activity by those who might otherwise not be willing to make a commitment to revolutionary activity, and are thereby brought into the so-called overt group because of the acts of the covert faction?

Mr. **McCree**. I think, sometimes, that is very clearly the case on the part of some individuals. I think, for example, that is one of the reasons that the SLA used to go to Vacaville. Vacaville is the institution for the homicidal-inclinated inmate. So, certain inmates and certain terrorists that I have personally known, I feel, involve themselves just because of their own very brutal nature and really, not because they necessarily follow the political line they so verbally espouse.

Mr. **Lisker**. You mentioned the SLA. If one were to rely on the headlines surrounding the Hearst kidnaping and the bank robberies that Patty Hearst was involved in, one might conclude that the SLA consisted of a half a dozen individuals. How large, at its height, would you say the membership was, and what is the status of that organization today?

Mr. **McCree**. Well, to the best of my determination, we determined that there were about 44 members.

Mr. **Lisker**. What happened to all those people?

Mr. McCREE. Oh, boy, they are still around. I observed on one occasion two members of that organization meet with members of another organization. They were in a park, Ruben Salizar Park, and they were apparently laying out—moving little toy cars around on the top of a table—and I do not think they were playing with these little Hot Wheels. I think they were plotting perhaps a kidnaping or something. Of course, I could not get up close enough to determine what that was. But we see them do bizarre things—move in, set up residences in areas under other than their own names. As a matter of fact, two of the particular individuals went through a rather bizarre procedure to convince everyone that they were getting divorced and going their separate ways, when in reality, they just moved to a separate area and set up, again, what I would classify as a safehouse under assumed names, living again together, but publicly, kind of indicating that they were divorced and going their separate ways.

Mr. LISKER. The FBI claims to have under investigation, as of June 11, 1982, 52 domestic security investigations—that is, full investigations, 4 of organizations and 10 of individuals. I think we can pretty much disregard the "limited" and "preliminary," since we have pretty well established that "limited" is a word that fits very well in terms of the quality of the product. That means that there are 14 entities, 4 organizations and 10 individuals, under investigation. By your reckoning, how many organizations would you say there are in the Los Angeles area that would properly be the focus of a police investigation for terrorist or subversive activity?

Mr. McCREE. Well, sir, that is pretty hard to nail down, right off, but I would say at least 30, 40.

Mr. LISKER. Thirty to forty organizations in the Los Angeles area?

Mr. McCREE. Yes.

Mr. LISKER. And they have four under investigation. That is Los Angeles. Now, if you talk about the San Diego area—and I am not sure that you have any familiarity with it—or the San Francisco area, how many organizations do you think might be added to that number?

Mr. McCREE. Probably a dozen or more.

Mr. LISKER. So we are talking about 42 to 52 organizations in California?

Mr. McCREE. Sure. Probably more than that, really, looking at Tribal Thumb and the Wellspring Commune and all the various prison gangs, Nuestra Familia, which many, again, espouse a revolutionary philosophy, and even if they did not, I would say are groups that are a dire threat to public peace because, once they are out of prison—well, the outlaw motorcycle gangs, as well, were doing a series of bombings in California, killing one another, and the outgrowth of that was the agreements and pacts they made with the revolutionary groups while they were in prison. It largely had to do with the dope traffic and that sort of thing.

Now, I would have to say a lot more than that, actually.

Mr. LISKER. You showed the committee earlier a photograph of an individual who was later identified as one of the alleged assasins of consul Arikan, the Turkish consul in Los Angeles. Is it the practice of your department to photograph those participating in peaceful demonstrations?

Mr. **McCree**. Well, as I said, I do not work the Intelligence Division, but I know that now, frequently, in Los Angeles, I will be driving through the streets and I will see a demonstration of some sort going on. Most recently, I saw a large demonstration of PFLP—Popular Front for Liberation of Palestine—people, carrying PLO banners, and those particular individuals were espousing and protesting the Israeli incursion into Lebanon. When I called my own Intelligence Division, I was surprised that that group was not under surveillance, was not being photographed, and as a matter of fact, did not fall within the guidelines for investigation. I then called the FBI and was told that their guideline had been interpreted even more liberally than that, and that they were not even aware the demonstration was going on. I was particularly concerned about it, however, because of the fact that almost always those sorts of things result in a bombing of some type, and I was really looking at it from my own point of view as a self-preservation issue and was again somewhat shocked that it did not meet either our guideline or the FBI's.

Mr. **Lisker**. Well, I thought we had had testimony before the committee on an earlier occasion by the FBI that an organization—although that organization was not named—but an organization like the PFLP, which is directed out of the Middle East by George Habash, since there is a foreign principal involved, and this, in a sense, is an entity which might be said to be controlled or under the direction of a foreign principal, that there would be, under another set of guidelines, a classified set of guidelines, a method for monitoring the activities of that group.

Mr. **McCree**. Well, of course, here is how they get around that. The group applies for a parade permit, and they call themselves the Lebanese Support Committee. Well, the Lebanese Support Committee under that name does not fall within the guidelines, and that is how they very cleverly use this thing, and it has worked well.

Mr. **Lisker**. So, the people are all members of the PFLP, but because they call themselves the Lebanese Support Committee, no one is able to penetrate that fiction and monitor the activity.

Mr. **McCree**. Well, I would say a lot of them are even concerned Lebanese citizens who are generally concerned about the Lebanese incursion, but many of them are PFLP people, too. There is where the problem is so frustrating. You have got a genuine group of terrorists who are mixed in with a group of citizens who are just exercising the rights that the Constitution gives them, but they do it in such a clever way that they shield and insulate themselves from legitimate investigation. The point I am making, again, is there needs to be some mechanism drafted to allow us to make inquiries, intelligent, long-range inquiries, into those groups and separate the wheat from the chaff, if you will. Under the present system, we cannot do it.

Mr. **Lisker**. You have with you, I believe, a copy of a Los Angeles newspaper—today's edition, as I understand it—which has a full-page ad by what seems to be a Guatemalan terrorist organization.

Mr. **McCree**. Yes, that is correct.

Mr. LISKER. Do you have that——

Mr. MCCREE. The interpreter has it, trying to figure out exactly what it says.

Mr. LISKER. I see. Would you be willing to provide that to the committee for its review, and possibly to be placed in the record at the direction of Senator Denton, when he returns?

Mr. MCCREE. I shall.

[The exhibit offered for the record is a full-page ad, written in Spanish, published in the August 11, 1982, issue of the Los Angeles Times, which was paid with money extorted from the Government of Guatemala in the form of a ransom paid after the kidnaping of the son of the Minister of Interior by guerrillas of the Communist Party of Guatemala.

[The kidnaping on June 23, 1982, of Richardo Mendez-Ruiz R. was carried out for the express purpose of forcing the Government to order and pay the publication of the ad. In the communique contained in the ad, the United States is accused, along with Israel and South Africa, of supporting and advising the Guatemalan Army.

[The full text of the ad is on file with the subcommittee.]

Mr. LISKER. Do you have any other documents with you relevant to what has been discussed here today, that you could make available for inclusion in the record?

Mr. MCCREE. Yes, sir, I do. I have a series of other documents that I think might be useful. For example, I have a terrorist manual from the Croatian Liberation Army, and it is dated 1977, and apparently comes out of Yugoslavia; at least, it purports to.

[The manual "Directions for Liberating Action" appears as exhibit H in the appendix to this hearing.]

Mr. MCCREE. As I indicated earlier, we have a very large and, I might add, very law-abiding Croatian community in Los Angeles, but previously, we have had a series of bombings by the Croatian terrorists in Los Angeles. On one occasion, two of them killed themselves trying to place the bomb, and, very fortunately, did not kill anyone else. But we have a very large community and, as I say, most of it is law-abiding, but we would sure like to find a process to sort out the bad guys from the good guys.

Mr. LISKER. Of course, the FBI maintains that that can be done by RICO investigations—racketeer influenced corrupt organizations—and that is the posture that the FBI now finds itself in. Do you think that that is a sensible approach—and I recognize that you have a good relationship with the FBI, and your Department does, and obviously, you would not want to jeopardize that relationship——

Mr. MCCREE. I would not. But I would point out——

Mr. LISKER. I was going to say, from a personal standpoint, do you have an opinion?

Mr. MCCREE. Well, again, I would point out to the FBI that the RICO investigation just fell apart, and those nine individuals who were indicted were acquitted. Again, I think we have got to look at this in the long range. We cannot be shortsighted in our approach to the solution to terrorism. If you approach it as a criminal investigation, you are not looking at it the way a proper intelligence investigation and operation, in my judgment, ought to be run. I think that this is wishful thinking on the part of FBI administrators. The FBI agents do not feel that way, because I work with them every day and, as I say, have a tremendous amount of respect for them. When you ride side by side with a guy and he pulls up to the curb and stands there, while you go over and disarm the bomb that the terrorist just put down—that is what just happened to us in Los Angeles, May 30—you cannot help but have a lot of respect for the individual and, obviously, some concern for his feelings. I certainly do not want to hurt any of my FBI friends' feelings, but I think that that is a short-term solution to a very serious problem, and, I might add, I do not think a very effective one.

Mr. **Lisker**. Mr. Francis?

Mr. **Francis**. I have no further questions.

Mr. **Lisker**. Detective McCree, I want to thank you on behalf of Senator Denton and Senator East for your testimony here today. I am sorry that Senator Denton is not back to thank you personally, but I know that he appreciates your taking the long trip, and the quality of the testimony that you have given.

The subcommittee might have additional questions, which we will submit to you. Please respond to them as soon as you possibly can. Normally, the subcommittee sets a 10-day period, but I recognize that, with your other duties, it might not be practical to get them back in that period of time, but as soon as practical. We would appreciate it.

Mr. **McCree**. Fine, sir. Thank you very much. I have one final document I would like to insert in the record. It is called "ORCA," published by the George Jackson Brigade. It is another example of the literature that terrorist groups put out describing their activities and goals. It also shows the connections between various groups such as the SLA, WUO, and NWLF.

Mr. **Lisker**. Thank you very much. It will be made part of the record.

[The document "ORCA" appears as exhibit I in the appendix to this hearing.]

[The prepared statement of Mr. McCree follows:]

STATEMENT
OF
DETECTIVE ARLEIGH E. McCREE
OFFICER IN CHARGE
FIREARMS AND EXPLOSIVES UNIT
LOS ANGELES POLICE DEPARTMENT

I AM DETECTIVE ARLEIGH E. McCREE, THE OFFICER IN CHARGE OF THE LOS ANGELES POLICE DEPARTMENT'S BOMB SQUAD.

DURING THE PAST THREE YEARS, THE LOS ANGELES BOMB SQUAD HAS RESPONDED TO 1875 SUSPECTED BOMBS. MEMBERS OF MY SQUAD HAVE DISARMED 156 BOMBS AND ON 416 SEPARATE INCIDENTS HAVE PICKED UP EXPLOSIVE ITEMS. IN THIS SAME PERIOD, WE HAVE EXPERIENCED 95 BOMBINGS.

A SIGNIFICANT NUMBER OF THE BOMBINGS HAVE BEEN CARRIED OUT BY TERRORIST ORGANIZATIONS WITH FOUR (4) TERRORIST GROUPS BEING ACTIVE IN THE GREATER LOS ANGELES AREA.

ON FOUR OCCASIONS, MEMBERS OF THE BOMB SQUAD HAVE NARROWLY ESCAPED DEATH OR SERIOUS INJURY BY DISARMING THE TERRORIST BOMBS, MOMENTS BEFORE THEY WERE DUE TO EXPLODE. THIS CAUSES ME GRAVE PERSONAL CONCERNS AS I CAN'T HELP BUT FEEL LUCK HAS PLAYED AS MUCH A PART IN THIS GOOD FORTUNE AS THEIR SKILL HAS.

MY CONCERN IS AMPLIFIED BY THE RECENT ARREST OF TERRORISTS AT LOS ANGELES INTERNATIONAL AIRPORT, WHEN A BOMB WAS PLACE AT THE AIR CANADA FREIGHT OFFICE.

THIS GROUP, ASALA, HAS THREATENED TO CARRY OUT ADDITIONAL ACTS OF TERRORISM UNLESS THEIR COMRADES ARE RELEASED. THEY HAVE GIVEN THOSE JURISDICTIONS HOLDING ASALA MEMBERS UNTIL AUGUST 14 TO FREE THOSE DETAINED.

ARMENIAN TERRORIST GROUPS HAVE CARRIED OUT 11 BOMBINGS AND ONE ASSASSINATION IN LOS ANGELES.

IT IS UNFORTUNATE THAT OUR LARGE LAW ABIDING ARMENIAN AND CROATIAN COMMUNITY IS BEING TAINTED BY THIS GROUPS OF HOODLUMS. I HAVE OBSERVED A GRADUAL DECAYING PROCESS IN OUR ABILITY TO SEPARATE THE HOODLUMS AND TERRORISTS FROM THE LAW ABIDING COMMUNITY. THIS HAS BEEN BROUGHT ABOUT BY THE DISMANTLING OF THE INTELLIGENCE COMMUNITY, BOTH ON A NATIONAL AND LOCAL LEVEL.

I AM FEARFUL THAT THIS WELL INTENDED, BUT ABSURD ATTITUDE ON THE PART OF FEDERAL AND LOCAL POLICY MAKERS WILL ULTIMATELY TAKE A TERRIBLE TOLL IN LIVES.

I HAVE DOCUMENTED A SERIES OF THE MORE SERIOUS INSTANCES OF HOW THESE LAWS AND POLICIES AFFECT OUR LIVES.

UNFORTUNATELY, IT IS EVEN MORE PERVASIVE THAN I HAVE INDICATED, AND MANY OTHER USEFUL INSTANCES ARE NECESSARILY OMITTED.

A CASE FOR SELF DEFENSE

A SOCIETY THAT WISHES TO SURVIVE MUST HAVE A SELF DEFENSE INSTINCT. THE REALITY OF THE PHYSICAL WORLD IS THAT NATIONS ARE ENGAGED IN A CONTINUOUS STRUGGLE FOR TERRITORY AND POWER. THE NEED FOR A COUNTRY TO PROTECT ITSELF IS CONSTANT.

THE POST-WATERGATE HYSTERIA THAT EXISTS IN AMERICAN TODAY HAS RENDERED US A NATION OF DEFENSELESS VICTIMS. WELL INTENDED, BUT HASTILY ENACTED FEDERAL AND LOCAL LEGISLATION HAS CREATED A SHIELD THAT INSULATES TERRORISTS AND CRIMINALS FROM LEGITIMATE INVESTIGATIONS. IN OUR ATTEMPT TO GUARANTEE OUR RIGHT TO PRIVACY, WE HAVE LOST OUR ABILITY TO PROTECT OURSELVES FROM THE CRIMINAL AND POLITICALLY INSANE. TERRORISTS FROM THE PUERTO RICAN FALN; THE SYMBIONESE LIBERATION ARMY; THE WEATHER UNDERGROUND; THE CRUSADE FOR JUSTICE; AND THE NATIONAL LAWYERS GUILD HAVE USED THEIR INVOLVEMENT IN "POLITICAL ORGANIZATIONS" TO INSULATE THEMSELVES FROM LEGITIMATE INVESTIGATION WHILE COMMITTING ACTS OF TERRORISM.

IN EACH OF THE DOCUMENTED INSTANCES, THE TERRORISTS WERE HEAVILY INVOLVED IN WHAT THEY AND THE PREVAILING LAW WOULD CHARACTERIZE AS A LEGAL POLITICAL GROUPS, EXERCISING ITS FIRST AMENDMENT RIGHTS.

LIKE ALL LAW ENFORCEMENT AGENCIES, WE IN LOS ANGELES ARE BEING HAMSTRUNG BY LOCAL RIGHT TO PRIVACY TYPE RULES; IN FACT, THE LEVI GUIDELINES WERE USED AS A MODEL TO ADOPT OUR INTELLIGENCE GATHERING RULES.

THE FBI, SECRET SERVICE, ATF, AND OTHER FEDERAL LAW ENFORCEMENT AGENCIES HAVE BEEN SO HAMPERED BY THE RIGHT TO PRIVACY LAW, TITLE 5 U.S.C., SECTION 552A, AND THE FREEDOM OF INFORMATION ACT, TITLE 5 U.S.C., SECTION 552, THAT THEY ARE EMASCULATED.

The Privacy Act prevents the FBI from investigating any group that only advocates violence.

For example, the San Francisco based group, the Urban Guerrilla (TUG). The TUG #4 pamphlet published pictures, home addresses of PG&E executives, and instructions on bomb and explosives manufacturing. The articles exhort the formation of new NWLF cells and the bombing of the named PG&E executives. Is it any wonder that public officials are assassinated, shot and assaulted? For it's not a crime to merely advocate such acts. In fact, it could be against the law to warn the executive of the plot. Prevention against inside disruption is impossible when the inmates run the asylum. California Penal Code Sections 12300, 13302, and 11142 have been interpreted in such a bizarre way.

Most major police departments are politically intimidated to discourage investigation, surveillance and infiltration of left wing and environmental groups; ironically, such sanctions rarely exists for right wing organizations. Extensive justification, to the point of absurdity, is often the order of the day if any surveillance has been conducted.

California Penal Code Section 13300, an extension of the Privacy and Security Act, prohibits the release of personal criminal history. This restriction could allow terrorists who have been released from prison to obtain employment with the very corporation for whose bombing they were imprisoned. The company would not be able to ascertain this information, consequently subjecting themselves to possible additional attacks.

A recent LAPD case involved a certified security guard who was arrested for a series of arsons and bomb threats to premises he was charged to protect. He was fired by the security firm but gained employment with a different security firm while awaiting trial. The guard subsequently built a hoax bomb and planted it in a public supermarket, causing evacuation and Bomb Squad response. His current security company was sued by the market for negligence in hiring this dangerous and licensed firearm toting security guard. In all fairness to the current security firm, Section 432.7 of the California Labor Code prohibits prospective employers from gaining access to arrest records. It

IS ENTIRELY POSSIBLE THE GUARD COULD APPLY FOR A JOB WITH ANOTHER SECURITY FIRM, GAIN EMPLOYMENT, AND ENDANGER COUNTLESS LIVES AGAIN. IT APPEARS THAT BETWEEN 13300 P.C. AND 432.7 OF THE LABOR CODE, THE PUBLIC HAS NO RIGHT TO PROTECTION.

IT IS MY OPINION THAT THE NINE PEOPLE INVOLVED WITH THE ORGANIZATIONS I WILL DISCUSS NOW REPRESENT A PRIMA FACIE JUSTIFICATION FOR POLICE INFILTRATION AND INVESTIGATION.

SHORTLY AFTER THE SLA SHOOTOUT, KATHLEEN ANN SOLIAH HELPED TO ORGANIZE THE BAY AREA RESEARCH COLLECTIVE, A POLITICAL ORGANIZATION THAT PUBLISHED A PAMPHLET CALLED, "THE DRAGON." A SERIES OF TEN PUBLICATIONS WERE PRODUCED. INCLUDED IN THE ARTICLES WERE DISCUSSION OF POLITICAL ISSUES, BOMB MAKING INSTRUCTIONS AND ANTI-POLICE DIALOGUE. ULTIMATELY, KATHLEEN SOLIAH AND SEVERAL OTHER MEMBERS OF BARC TRANSCENDED ADVOCACY AND PLACED A SERIES OF BOMBS ON POLICE CARS AND CORPORATION TARGETS. KATHLEEN SOLIAH IS STILL A FUGITIVE AND COULD WELL BE USING A SIMILAR "POLITICAL GROUP" TO HARBOR HER FROM ARREST. OTHER MEMBERS OF BARC HAVE BEEN NAMED IN THE SAME INDICTMENT AS UNINDICTED CO-CONSPIRATORS. THERE WHEREABOUTS ARE ALSO UNKNOWN.

IN THE MID-SEVENTIES, THE EPISCOPAL CHURCH ESTABLISHED THE COMMISSION ON HISPANIC AFFAIRS. THIS GROUP WAS HEAVILY REPRESENTED BY THE PUERTO RICAN COMMUNITY. TWO SIGNIFICANT PEOPLE SAT ON THIS COMMISSION, CARLOS ALBERTO TORRES AND WILLIAM MORALES. MOST OF THEIR POLITICAL RHETORIC FOCUSED ON INDEPENDENCE FOR PUERTO RICO AND ANTI-POLICE ACTIVITY. LESS THAN A YEAR LATER, CARLOS TORRES, HIS WIFE HAYDEE, AND OSCAR LOPEZ RIVERA WERE BEING SOUGHT FOR INVOLVEMENT IN THE FALN BOMBINGS. CARLOS TORRES AND OSCAR RIVERA ARE WANTED FOR INVESTIGATION OF THE BOMBINGS, BUT HAYDEE WAS BEING SOUGHT FOR MURDER IN CONNECTION WITH A DEATH IN THE 1977 MOBIL OIL BOMBING IN NEW YORK. WILLIAM MORALES' BOMBING ACTIVITIES CAME TO LIGHT IN 1978 WHEN HE BLEW HIS HANDS OFF BUILDING A PARCEL BOMB. THE DEVICE WAS CONSISTENT WITH BOMBS MAILED TO PUBLIC FIGURES, FBI AND THE CIA BY THE ARMED COMMANDOS FOR PUERTO RICAN INDEPENDENCE, A FALN SPLINTER GROUP. HE ESCAPED WHILE AWAITING TRIAL AND IS A MUCH SOUGHT FUGITIVE. THE POINT IS AGAIN THEY USED THE RIGHT TO PRIVACY AND FREEDOM OF INFORMATION ACTS TO INSULTATE THEM.

Explosives seized by authorities suggest that the FALN was at least receiving some of its explosives at one time from the Colorado based "Crusade for Justice." Interesting enough, the impact of the Right to Privacy Act prevented law enforcement from using telephone tolls to prove a connection with long distance call records. They were similarly prohibited from investigating those groups that only advocate violence, which, as we shall see, curiously included the terrorist.

In the case of Crusade for Justice, a curious alliance appears, John Horo, a deputy director of Crusade for Justice, and Antonio Quintana were arrested for plotting to blow up police vehicles and facilities in protect of the upcoming IACP convention to be held in Denver. In February, 1976, Horo was sentenced to six years in prison. Interestingly enough, he was also the past president of MECHA at California Polytechnic College.

Another noteworthy player is Ricardo Romero, a Crusade for Justice member who also sat on the Episcopal Commission on Hispanic Affairs. He was jailed in November, 1977, in Chicago for refusing to answer grand jury questions about FALN explosives and bomb factory and their connection to stolen explosives in Denver. He is reportedly the son-in-law of Corky Gonzales, the director of Crusade for Justice. When the FALN bomb factory was discovered, a .30 caliber carbine with filed off serial numbers was also recovered. When the serial number was restored, ownership was traced to the one and same Ricardo Romero.

Another terrorist we will look at is one Carolos Zapata who was killed in Denver by a bomb he was planting at a VFW Hall on March 22, 1978. He was also at one time a Brown Beret, Crusade for Justice member and involved in the National Lawyers Guild sponsored "Police Crimes Task Force." He was also reportedly involved in the Coors Strike Support Committee. It seems where there is smoke there is fire.

On the subject of the National Lawyers Guild, it appears that at times, they also transcend being advocates and indulge in terrorism. In several cases, the subjects not only were legal advisors, but were advocates to terrorism as well. Many people insist that this is the prevailing philosophy in the Guild.

Bernadine Dohrn, the much sought Weather Undergound fugitive, was named as the Student Director for the National Lawyers Guild in 1967. At the National Convention for the Students for a Democratic Society in 1968, Bernadine Dohrn was selected as the Interorganizational Secretary of SDS, a national office. Asked if she were a Socialist, Miss Dohrn answered, "I consider myself a Revolutionary Communist."

NLG member, Stephen Mitchell Bingham, is being sought by the State of California and the FBI for smuggling a .380 automatic pistol to George Jackson in prison, inside a tape recorder. Being a lawyer gave him the privilege of being able to bring a tape recorder into prison. The lawyer-client relationship can and will likely continue to be used by radical attorneys to shield them from security procedures, investigation, and prosecution. They also use the power of subpoena to get terrorist leaders together for strategy sessions.

Another interesting Guild member is Frank Eugenio Martinez. He was a Loyola law student that was active in NLG projects at the college and on the streets. Suspiciously, Frank's fingerprints ended up on several of the eight letter bombs mailed to Denver police officers in 1973. He was recently arrested at an Arizona Border Entry Station. His younger brother Francisco Kiko Martinez, also an attorney, was killed in a car when a bomb they were transporting exploded. Violent action seems to run in the profession and the family. The car belonged to Freda Bugarlin, Director of the Platte Valley Action Center, funded with over 1 million in Federal, State, and local funds. Zapata had also been active with the Platte Valley Action Center.

A final case brings the NLG very clearly into focus. In 1979, a Federal Judge ordered Chicago Police to turn over their intelligence files to NLG attorney, Johathan Moore. He specifically ordered they be read, not copied, and returned. Copies were subsequently found in a Milwaukee FALN safe-house.

The NLG continues to act as a clearing house and as an apologist and defender for terrorists and terrorism. They have been at the forefront in drafting much of the national and local legislation, both proposed or enacted, that restricts, hampers, AND EMASCULATES POLICE INVESTIGATION. MR. LEVI, THE FORMER ATTORNEY GENERAL, WAS AT ONE TIME A MEMBER OF THE NLG. HIS LEVI GUIDELINES ARE STILL THE ORDER OF THE DAY FOR FEDERAL OFFICERS. IS THIS JUST THE TIP OF THE ICEBERG?

THE WEATHER UNDERGROUND AND ITS SPINOFF ORGANIZATIONS HAVE IN MANY RESPECTS ACHIEVED MORE THAN MOST OF THE OTHER GROUPS MENTIONED. SEVERAL OF THEIR FORMER MEMBERS HAVE HELD CONGRESSIONAL JOBS, WHITE HOUSE APPOINTMENTS, AND JOBS WITH THE NATIONAL SECURITY COUNCIL. IT LOOKS LIKE THE OLD SAYING, "THE FOXES ARE IN THE HEN HOUSE," IS APROPOS.

A PERSON WORTH LOOKING AT CLOSELY IN CONNECTION WITH THE WEATHER UNDERGROUND IS CLAYTON VAN LYDEGRAF WHO CO-CHAIRED THE PRAIRIE FIRE ORGANIZING COMMITTEE WITH JENIFFER DOHRN, BERNADINE'S SISTER. HE HELPED PUBLISH THE ORIGINAL PRAIRIE FIRE PAMPHLET AND OSOWATAMIE. BOTH DOCUMENTS ADVOCATE REVOLUTION. HE TRAVELED EXTENSIVELY AROUND THE UNITED STATES MEETING OTHER REVOLUTIONARIES. NATURALLY, HE WAS INSULATED FROM A COMPLETE INTELLIGENCE INVESTIGATION BY THE FBI AS HE WAS ONLY "POLITICAL," AND FOLLOWING HIM OR MAINTAINING A DOSSIER WOULD BE AN INVASION OF HIS PRIVACY. THE TRUTH OF THE MATTER IS THAT CLAYTON COULDN'T OR NEVER INTENDED TO WAIT FOR THE REVOLUTION. HE LINKED UP WITH FOUR WEATHER UNDERGROUND FUGITIVES, PLANNED AND EXECUTED SEVERAL BOMBINGS. THIS ORGANIZATION BOMBED THE HEW OFFICE IN SAN FRANCISCO, THE SELECTIVE SERVICE BUILDING, THE STATE DEPARTMENT BUILDING IN WASHINGTON, D.C. AND THE CLOAKROOM IN THE CAPITOL BUILDING.

MEMBERS OF THE GROUP WERE ARRESTED IN LOS ANGELES AND HOUSTON, TEXAS. THEY WERE PLANNING THE MURDER OF A JUDGE AND WERE ARRESTED DURING THE CONSTRUCTION OF A DEVICE INTENDED TO BLOW UP A STATE SENATOR'S ELECTION HEADQUARTERS. THIS IS A CASE OF PUTTING TERRORISM INTO POLITICS. WHEN TAKEN INTO CUSTODY, THEY HAD TWO BOMBS, 181 POUNDS OF EXPLOSIVES, 6 WEAPONS, AND MONITORING EQUIPMENT FOR POLICE RADIO FREQUENCIES. PFOC STILL MAINTAINS IT IS A POLITICAL ORGANIZATION, THEREBY SEEING THAT IT IS INSULATED FROM LEGITIMATE INVESTIGATION UNDER PRESENT GUIDELINES.

THE RECENT BRUTAL MURDERS OF THE TWO NEW YORK POLICE OFFICERS

AND THE BRINKS GUARD LAST OCTOBER ONLY SERVE TO CLARIFY THIS POINT OF VIEW.

EVA ROSAHN, JUDY CLARK AND OTHER MEMBERS OF AN ANTI-APARTHEID MOVEMENT HAVE BEEN INDICTED FOR INVOLVEMENT IN THIS BLOODY CRIME. WHEN NOT "LEGITIMATELY" PROTESTING THE APPEARANCE OF THE SOUTH AFRICAN SPRING BOKS, SHE AND PERHAPS UNKNOWN OTHERS WERE BOMBING, ROBBING, AND MURDERING. HOW CAN WE IN LAW ENFORCEMENT DEVELOP INVESTIGATIVE LEADS, SUCH AS MOTIVE, MEANS OR OPPORTUNITY UNLESS WE CAN INVESTIGATE ORGANIZATIONS WHICH APPEAR TO MANIFEST REASONS FOR ACTS OF TERRORISM? WE MUST BE ALLOWED TO INVESTIGATE THE MEMBERSHIP, MOTIVES AND ACTIONS OF SUCH GROUPS.

A CHILLING EXAMPLE IS THE JANUARY ASSASSINATION OF THE TURKISH CONSUL GENERAL, KEMAL ARIKAN, IN LOS ANGELES, AND IT AMPLIFIES MY POINT. ONLY THE BRAVE ACTIONS OF A WITNESS PROVIDED A CLUE TO THE IDENTITY OF HIS MURDERERS.

A FOLLOW-UP INVESTIGATION RESULTED IN A SEARCH OF THE SASSOUNIAN RESIDENCE IN PASADENA. ONLY THEN DID WE LEARN FROM HIS OWN PHOTOGRAPHS THAT HARRY SASSOUNIAN WAS ACTIVE IN THE ARMENIAN YOUTH FEDERATION AND A PARTICIPANT IN ANTI-TURKISH DEMONSTRATIONS IN LOS ANGELES. A GOOD PRO-ACTIVE INVESTIGATION INTO THIS ACTIVITY MAY WELL HAVE SAVED MR. ARIKAN'S LIFE. IT IS A SAD COMMENTARY THAT WE HAVE BEEN UNABLE TO PROVE OR DISPROVE HIS MEMBERSHIP IN THE JUSTICE COMMANDOS OF ARMENIAN GENOCIDE.

MIGHT WE NOT ASK WHERE IS MARILYN JEAN BUCK, JOANNE CHESIMARD, CANDICE YOCKEY, RONALD STANLEY BRIDGEFORTH, AND SILAS BISSEL? ARE THEY AND COUNTLESS OTHERS HIDING IN THE MIDST OF US? IT IS UNFORTUNATE THAT I CANNOT ANSWER THE QUESTIONS. WILL IT TAKE ANOTHER NYACK, LOD AIRPORT OR ANKARA, TURKEY, TO PROVIDE THE ANSWER?

MR. RONALD OLIN, IN HIS ARTICLE ON "EVALUATION OF THE UNITED STATES COUNTER-TERRORISM RESPONSE CAPABILITY" IN THE JUNE, 1979, POLICE CHIEF MAGAZINE NOTED THAT "THE TERRORIST THREAT IS UNCONSCIOUSLY AIDED BY DEPARTMENT OF JUSTICE GUIDELINES ON DOMESTIC SECURITY INVESTIGATIONS. COUNTER-TERRORIST OPERATIONS MUST RELY ON TIMELY, PERTINENT INTELLIGENCE INFORMATION, BUT AN EXAMINATION OF THE GUIDELINES COVERING DOMESTIC INTELLIGENCE SHOWS THAT MANY OF THE ACTIVITIES NECESSARY TO COLLECT THE INFORMATION ARE LEGALLY CURTAILED. THIS LACK OF BASIC INTELLIGENCE

LIMITS ACTIVITY TO RESPONSE AFTER THE FACT. A COMPARISON OF THE NUMBERS OF INVESTIGATIONS WHICH WERE CONDUCTED BEFORE AND AFTER RECENT CONGRESSIONAL HEARINGS ON THIS TOPIC REVEALS THE CHANGE OF EMPHASIS IN THIS AREA." OTHER CASES SUCH AS THE COORS STRIKE COMMITTEE AND THE ANTI-NUCLEAR PROTEST GROUPS PROVIDE DIFFERENT BUT COMPELLING EXAMPLES OF A FRUSTRATED BOMBING INVESTIGATION.

MR. OLIN'S ARTICLE QUOTES ANOTHER WRITER IN STATING, "THAT FOR THE PAST FIVE YEARS THE UNITED STATES HAS BEEN STRIPPING AWAY ITS ORGANIZATIONAL, LEGAL AND IDEOLOGICAL DEFENSES AGAINST TERRORISM. WITHOUT EXCEPTION, EVERY PERSON WHO HAS ANY ACQUAINTANCE WITH TERRORISM UNDERSTANDS THAT SUCH FORMS OF UNDERGROUND, CELL-STRUCTURED, NON-NATIONALIST, ABSOLUTELY DISCIPLINED ORGANIZATIONS CAN BE SUCCESSFULLY COMBATTED ONLY WITH THE HELP OF COUNTER-ACTIONS THAT INTERSECT THE TERRORIST UNIVERSE: SECRET SURVEILLANCE, WIRE TAPS, MAIL CHECKS, COMPUTERIZED FILES OF MILLIONS OF PERSONS THROUGHOUT THE WORLD, SECRET COMMUNICATIONS WITH COUNTER-TERRORIST AGENCIES IN OTHER NATIONS, INFORMERS AND INFILTRATION."

THESE TECHNIQUES ARE CURRENTLY UNACCEPTABLE IN THE EXISTING POLITICAL CLIMATE. IN SOME CASES, THESE TECHNIQUES MAY BE NECESSARY FOR HANDLING OF CRITICAL SITUATIONS.

FBI DIRECTOR WEBSTER IS QUOTED AS DESCRIBING THE CURRENT STATE OF TERRORISM IN THE UNTED STATES AS "EMBRYONIC." HE ALSO HAS STATED THAT THE POLICE RESPONSE TO THE SDS OR WEATHER UNDERGROUND AND BLACK AND WHITE RADICAL GROUPS MAY HAVE PREVENTED THE DEVELOPMENT OF TERRORISM BEYOND ITS INITIAL STAGES. IT IS POSSIBLE THAT THE VERY STEPS NOW CONDEMNED FOR USE IN THE POLICE COMMUNITY WERE RESPONSIBLE FOR PREVENTING THE FURTHER DEVELOPMENT OF TERRORIST ORGANIZATIONS IN THE UNITED STATES.

IN CLOSING, I WOULD LIKE TO BE VERY CLEAR THAT I BELIEVE THE UNITED STATES IS, AND SHOULD REMAIN, THE WORLD'S EXAMPLE OF A COUNTRY DEDICATED TO INDIVIDUAL FREEDOM. WE MUST ALL BE VIGILANT IN RECOGNIZING THE POTENTIAL FOR STIFLING LEGITMATE DISSENT AND ITS ULTIMATE DISASTROUS RESULTS. I ALSO BELIEVE THAT THE CONTINUED FREEDOM OF THIS COUNTRY IS DEPENDENT UPON ITS ABILITY TO COPE WITH THE EFFORTS OF THE ENEMY WITHIN WHO ARE COMMITTED TO ITS DESTRUCTION. WE MUST REBUILD OUR INTELLIGENCE CAPABILITY IN SELF DEFENSE.

Mr. **Lisker**. I would ask that Inspector Fred Raines come forward.

Good afternoon, Inspector Raines.

Mr. **Raines**. Good afternoon.

Mr. **Lisker**. Sir, do you have an opening statement?

Mr. **Raines**. Yes.

STATEMENT OF FRED W. RAINES, INSPECTOR, DIRECTOR, INVESTIGATIVE SERVICES DIVISION, METROPOLITAN POLICE DEPARTMENT, WASHINGTON, D.C.

Mr. **Raines**. I would like to express our deep appreciation to you and the members of this subcommittee for inviting us to come here today to discuss an area which has been of concern to the Metropolitan Police Department for a number of years. I hope that I am able to shed some light on the impact of the Attorney General's Guidelines for Domestic Security Investigations on the Metropolitan Police Department's ability to fully carry out its mission. That mission is—

> To provide the Department with data as required to meet its lawful responsibilities and authorized duties by facilitating the decisionmaking process as it relates to the prevention of crime, the detection and prosecution of criminals, and the protection of life and property within the District of Columbia.

We perform the intelligence function of the police department and are primarily concerned, not with arrests, but rather with strategic information relating to our responsibilities. The Investigative Services Division is comprised of three branches. The branch we are concerned with today is the criminal information branch, which has responsibility for investigating terrorism, civil disorders, and the protection of public officials. This is achieved by producing strategic intelligence information for dissemination to those who are responsible for the actual prevention of disruption or violence.

In order for us to produce this strategic information, we go through the five components of the intelligence process: collection, evaluation, collation, analysis and dissemination. Some of the ways we collect information are through the use of informants, public source documents, culling crime reports, collecting literature from demonstrations, calling other law enforcement agencies, and doing research on different cultures. These are the same methods used by most intelligence units. After we have collected, evaluated, collated, and analyzed this information, we then disseminate it to the various bureau chiefs for the information of the officers on the street. We also, I might add, disseminate information to many Federal agencies.

The city of Washington, D.C., is a unique one, as we are all aware. There are approximately 150 embassies, legations, and buildings that house approximately 10,000 persons with diplomatic immunity located here. Many people view Washington, D.C., as the capital of the world. It is further recognized as the seat of the Federal Government and therefore is the host to numerous persons and groups exercising first amendment rights relative to local, national, and international issues. Also, it is recognized that the lives of U.S. citizens and representatives of foreign countries and property, both public and private, are potential targets for unlawful assaults by terrorist groups. The United States, including of course, Washington, D.C., not only provides the freedom to demonstrate but also insures that the demonstrators themselves will be protected.

Every day, our police department is faced with situations such as demonstrations of one sort or another, assassination threats or attempts, bomb threats or bombings, assaults, and other miscellaneous crimes. The city has visiting dignitaries virtually every single day. We are in part responsible to see that their stay here is a safe one. In this regard, we have daily contact and close liaison with the Secret Service Protective Detail and the Department of State.

The value of intelligence in assuring the protection of life and property in this city is of utmost importance, particularly in terms of allowing the department to know where to direct manpower and equipment resources. The less information we receive, the less efficient we are in carrying out our responsibilities. This is particularly true in the area of domestic security.

We keep our Special Operations Division abreast of what is going on, who is visiting, what threats have been made, and so forth. We write strategic and tactical intelligence reports for field operations, showing where volatile situations are cropping up, what they should watch for, and what they might expect to happen.

We do not keep figures on how much information we obtain from the FBI, but I can tell you that we receive less than I would like. From conversations that our staff members have had at meetings and conventions attended by members of other law enforcement agencies, this decreasing inclination to share is not directed solely toward our department. Like other law enforcement agencies, we rely on the Bureau for information and feedback.

We are particularly concerned about this situation. Many of our responsibilities parallel those of the FBI; yet, our liaison and our information flow from them is less than ideal. There is something seriously wrong when the agency that is primarily responsible for collecting information on terrorists and terrorist organizations and the agency which also has a responsibility to see that terrorist incidents do not occur in this city cannot share that information.

Historically, the Metropolitan Police Department's Intelligence Division patterned its operations and investigations closely after those of the Bureau. The FBI has capabilities that we do not have to collect intelligence information worldwide. Because of these enhanced capabilities, we rely on the Bureau to inform us about groups or individuals involved in violence or terrorist type activities nationally and internationally.

For example, if the FBI told us that Turkish diplomats and others involved with the Turkish Government were being subjected to assaults, threats, or assassinations around the world, including the United States, we would take that information as an indication that a very real possibility exists that something could happen in Washington that we should be prepared for.

We would begin to collect information, perhaps by talking to people in the local Turkish and Armenian communities, and by making other types of inquiries in an effort to gather intelligence so we could be better prepared to fulfill our responsibility of protecting life and property.

The police are the people who are patrolling the areas around the various embassies and diplomatic buildings, and the police are the people who are most likely to notice strange behavior, which could lead to the commission of a crime. However, without a general understanding of a situation or of the extent of a possible problem, how are we to know to alert the officers on the street? In addition, valuable information is lost every day because we have not alerted the officers to be watching for specific things and reporting their findings back to us.

When an atmosphere of cooperation exists between local law enforcement and the Bureau, it becomes known that these agencies engage in an exchange of appropriate intelligence information. Therefore, opportunities for those persons or groups who may contemplate terrorist acts may be diminished. Additionally, because of such cooperation and free exchange, those who would be so predisposed should surmise that they stand a better than even chance of being identified and apprehended.

Another concern with the Bureau's guidelines being so stringent on collecting information is, How can they then function as the central collection point for information? Intelligence is a process of building one piece of information on another. Little by little, the pieces fit together like a jigsaw puzzle. If all pieces are not collected, the puzzle will never fit.

On the other hand, if we give information to the Bureau and they do not respond by giving us further information in return, perhaps on the status of a situation or group, how are we to assess our performance in terms of quality? How do we know if we are on the mark or not?

Finally, and perhaps the major concern: A police officer is out on the streets of this city, and every city, armed with a weapon that is rarely if ever needed or used, some training, hopefully lots of street savvy, but most importantly, with information—the primary tool needed to do an effective job. The same police officer is invariably the one who is called upon first to respond to a takeover, an assassination attempt, a bomb threat or bombing, and any number and variety of other incidents. If we are not arming this officer with the fullest and best information which is available at a given time, are we not falling down on the job? We are concerned that by not being able to collect full and timely information on what is going on, or may go on, in this city, and conversely, not being able to disseminate this information, we are sending this officer out expecting him to handle something that he knows absolutely nothing about.

It is especially difficult for investigators responding to an incident to gather evidence and ask the right questions of witnesses and others involved when they are looking for a motive. Being able to establish a motive in any crime is one of the most important parts of an investigation. Prior intelligence information can often tell us almost immediately why someone was killed or why a bomb was detonated. It points us in the right direction for the investigation of the actual incident.

Without intelligence information readily available after the assassination of Ali Akbar Tabatabai, a former press attache of the

Iranian Embassy, it would have taken a great deal more time to focus in the right direction for that investigation.

I wish to reiterate that in general our files reflect very little information that has been disseminated to us from the FBI in the area of terrorism, and specifically in the area of groups or individuals locally, nationally, or internationally who have connections in this area. If it were not for our own collection of information and intelligence capabilities, we would have little idea that violence-prone groups and/or individuals operate within the Washington, D.C., area.

Mr. Knight, former Director of the Secret Service, testified that that agency is the recipient of a great deal less intelligence information than what it received a few years ago. While I cannot give a specific percentage, I can state that our own agency is probably receiving much less than we received in previous years.

Let me give you some specific examples of incidents wherein a less than desirable level of dissemination of intelligence and/or investigative information on the part of the Bureau has had an impact on our operation and the city.

We were actively gathering intelligence information on a group of people here in Washington, D.C., who ultimately were responsible for the assassination of Mr. Tabatabai. There were many indicators for several months before his murder that would have led one to believe that there would be a spillover of violence in the United States from the Islamic Revolution. Even though the Metropolitan Police Department was heavily involved in the investigation and identified the gunman and located the vehicle used, our files to this day reveal little hard copy information and relatively little in the way of other information disseminated to us by the FBI.

In another case, the Investigative Services Division began investigating a bombing of the Washington home of an official of a foreign legation. There was no personal injury, fortunately, but damage was done to the home. Both the FBI and the Metropolitan Police Department were on the scene. The FBI shared few details of the bombing at the scene. Several days later, a group claimed responsibility for the bombing. Also several days later, the Statue of Liberty was bombed, using a similar device as was used in the Washington bombing.

Over the next year or so, this office had limited contact concerning this problem with the FBI. Two of our detectives asked to discuss this case with the responsible Bureau agents. After going to the FBI's local field office, our detectives were allowed to ask questions and view the case jacket on a limited basis. The conversation consisted of our detectives asking questions and receiving yes and no answers. There was no elaboration on the part of the Bureau.

The FBI went on to conduct a full-scale investigation of the problem. This investigation ended with five arrests of foreign nationals charged with conspiracy to commit bombings and assassinations. No information regarding this case was transmitted to our office, nor has any contact been made by the FBI regarding this case.

Recently, this Division received a call late one afternoon from the FBI, asking us to generate a teletype message to the members of our department, stating that agents would be conducting interviews in town concerning a group's connections here. After further questioning on our part, it turned out that actually these agents had already been in the city that entire day interviewing people and had, it seems, called us as an afterthought. We attempted to get further information on locations, names, and the like, but were told that the FBI was not at liberty to divulge any additional information.

I am firmly convinced that any easing of restrictions on the FBI's ability to collect and disseminate intelligence information can only serve to improve its efficiency and that of local police agencies and will foster greater cooperation and effectiveness of operation.

The term "antiterrorism" denotes "proactive," and we, I think, are not nearly as proactive as we could or should be. This costs us all dearly in terms of life, property, and money.

Thank you for giving us this opportunity to appear before you. If there are any questions, I will be glad to entertain them at this time.

Mr. LISKER. Thank you very much, Inspector Raines.

In 1977, I think it was, the Hanafi Muslim faction took over the B'nai B'rith headquarters, the City Hall in this city, and the Mosque on Massachusetts Avenue. As a result of those activities, I think one person was killed—a reporter, as a matter of fact—and several people were seriously injured and some, less seriously injured. Did the Metropolitan Police Department—and I recognize that you were not in your present position at that time—but from an institutional standpoint, and to the best of your knowledge, did the Metropolitan Police Department have advance warning of the Black Muslim takeover of those buildings that I mentioned?

Mr. RAINES. I am not really sure if we did have, in fact, advance warning. There have been some conflicting reports as to whether there were or were not informants at that time. I can only say that if an infiltrator had been in place, perhaps it could have been avoided, but it is difficult to say that.

Mr. LISKER. Well, as the procedures are now established today, 1982, does the Metropolitan Police Department have guidelines which would affect its ability to place informants in such a group?

Mr. RAINES. Yes, we do.

Mr. LISKER. Do you have copies of those guidelines, or can you provide the committee with copies of those guidelines?

Mr. RAINES. We can provide you with a copy of them, yes.

[The guidelines referred to by Mr. Raines appear as exhibit J in the appendix to this hearing.]

Mr. LISKER. Do they bear any relationship to the Levi guidelines?

Mr. RAINES. Very much so; in fact, I believe that they were copied from a portion of the Levi guidelines.

Mr. LISKER. Was this in an effort to emulate what the FBI had done, or was there genuine belief in the department, independent of the guidelines that were developed in conjunction with the FBI and the Justice Department, that there was a need for more restrictions on investigations of this nature?

Mr. RAINES. I am not really sure that I can answer that adequately. It is my understanding that the former Assistant Chief for the Bureau involved with my Division at that time instituted that policy. I am not really sure if it was for an internal control kind of thing, and he felt that they were appropriate, or whether it was generally adopted by the Department as a whole.

Mr. **Lisker**. Is it your opinion that these guidelines which have been adopted by the Metropolitan Police Department and augmented, I believe, by other departmental orders and directives, are too restrictive in the sense that they limit what the Department can do effectively in meeting a terrorist threat which might exist?

Mr. **Raines**. Yes, I believe that they are too restrictive, perhaps not so much on the local department, because I believe it is our decision, more or less, as to whether we would adopt or follow certain guidelines of a Federal agency, but certainly in that we depend so crucially on the information which could be provided by a Federal agency such as the Bureau, that would aid us tremendously.

Mr. **Lisker**. In your opening statement, you indicate that on more than one occasion you were called upon by the FBI to provide information, and yet when it comes time to get the feedback from the FBI, or request information from the FBI that might assist you in your investigation, that it seems to be a one-way street—all give and no take.

Mr. **Raines**. Much like the previous witness, I do not want to damage any friendships and relationships. But that is absolutely true, I believe. I think the point is that it is not a reflection on individual relationships and working relationships which are established among detectives or agents of the Bureau. I just think that a more formal and efficient flow of information should be established between departments or department heads, or some individual should be responsible to see that the appropriate information is channeled.

Mr. **Lisker**. In the District of Columbia, has there been enacted or is there pending proposed legislation dealing with the offense of terrorism?

Mr. **Raines**. I am not aware of any legislation or proposed legislation in that regard.

Mr. **Lisker**. So that the department, like the Bureau, is called upon to treat terrorist incidents in terms of the underlying criminal offense, whether it is bank robbery, or air piracy, or hijacking, or murder?

Mr. **Raines**. That is right; yes.

Mr. **Lisker**. In your opinion, would it seem logical to have an offense of terrorism, apart from the underlying criminal offense? I guess what I am driving at is, if we investigate a terrorist incident—or, if you are called upon to investigate a terrorist incident—in terms of bank robbery or an assault or murder, isn't there a tendency to put on blinders, adopt tunnel vision, and ignore the ideological context in which the offense was committed, thereby risking a possible overlooking, as I think a previous witness mentioned, Detective McCree, the possibility of other offenses which might occur, either simultaneously or shortly thereafter, and sort of miss the objective of the terrorists?

Mr. **Raines**. Precisely so. I think the most important benefit would be, just like many police officers, detectives, agents, become very adept and skilled at investigating certain crimes, I believe if it were narrowed specifically to that incident that you would have law enforcement officers becoming very proficient in that and not just as a byproduct of what may come from another case.

Mr. **Lisker**. Does the Metropolitan Police Department have an Intelligence Division?

Mr. **Raines**. We are the Intelligence Division. It was renamed a few years ago as the Investigative Services Division.

Mr. **Lisker**. I see. How many detectives and officers do you have working in the terrorist field, approximately?

Mr. **Raines**. We have six, I believe, at the moment.

Mr. **Lisker**. Let me ask you a question that I asked Detective McCree. In your judgment—and I recognize that you may not have a precise number—how many organizations which are capable, in your judgment, of committing terrorist acts exist in the greater Washington, D.C., area which would be under the jurisdiction of the Metropolitan Police Department?

Mr. **Raines**. If I remember a figure that was mentioned in the previous testimony, I would just have to say that I think it should be a few more than that.

Mr. **Lisker**. I am sorry—in whose testimony?

Mr. **Raines**. I believe there was a mention of locally.

Mr. **Lisker**. Yes.

Mr. **Raines**. Oh, I am sorry. That was referring to Los Angeles, I believe.

Mr. **Lisker**. Yes. Well, the FBI says that they have 14, including individuals and organizations, nationwide including Puerto Rico. Would you say that there would be more or less than 14 in the Washington, D.C., area, individuals and organizations?

Mr. **Raines**. I would say that there would be more than that.

Mr. **Lisker**. More. I see.

Mr. Francis?

Mr. **Francis**. No questions at this time. We may submit questions later.

Mr. **Lisker**. Let us continue, then. Do you find that problems in other parts of the country or, perhaps, in other parts of the world have any connection with the problems that you and your Department encounter in the District of Columbia? In other words, if there is an escalation in a hot spot somewhere else in the country or the world, does that result in a local escalation? I think you alluded to the Iranian situation before as an example, but could you elaborate on that?

Mr. **Raines**. That is precisely the case. As I recall, during the time that the American hostages were taken in Iran, I think at that same time, the Statue of Liberty was taken over in New York City, and fliers were being passed around in this city, espousing murder and calling for the deaths of many Congressmen and Zionist females, and so forth. So that is pretty much a typical reaction, response.

Mr. **Lisker**. This again calls for an opinion, but if the individual who arranged for the murder of Mr. Ali Tabatabai recruited the killer from prison, and if in fact there was ongoing recruitment taking place in prison under the guise of an Islamic or perhaps a religious group which serves as a cover for the recruitment of individuals who, when they get on the outside, are able to continue criminal activity in an organizational structure, do you think that it is appropriate for the Government or the prison officials to attempt to monitor or, if necessary, interrupt or interdict that activity which takes place in prison?

Mr. **Raines**. If I may risk an opinion, yes, I think it would be. I think, in some cases, it would be a serious oversight if it were not done—at least to monitor and be aware of those kinds of activities.

Mr. **Lisker**. If somebody engages in illegal activity and says that they are members of the ABC Church of God in prison and that therefore they have an absolute protection, that their first amendment rights would be violated if the prison authorities attempted to monitor that activity, or if the FBI or a law enforcement agency attempted to monitor their activities outside of prison once they were released, do you think that it is a legitimate function of Government to interject itself into what might loosely be called religious organizations who have a proven or an established record of engaging in violent activity for purposes of gathering intelligence, that is, that the monitoring would take place for purposes of gathering intelligence, so that the officers charged with the responsibility of protecting the citizens of the community might be better able to do so?

Mr. **Raines**. That is a difficult question.

Mr. **Lisker**. I appreciate that.

Mr. **Raines**. Perhaps that is one of the issues that may have brought about some of the overreaction to this problem at this time; that is, the delicate balance between religious rights and so forth. I would have to say that it would depend mostly on what is advocated, what the activity is. There has been a lot of use of the term rhetoric, but I think a decision has to be made on the threat itself, what actually is the case.

Mr. **Lisker**. But I think that is the rub. In other words, it is difficult to make a judgment as to the level of the threat, if you cannot penetrate the organization to begin with or monitor its meetings, to find out exactly what they are doing.

Mr. **Raines**. Yes. I think I would have to qualify it and say that perhaps one should be permitted to monitor, if you will. I think there is a difference between monitoring and investigating those activities which are as much open to the public or for anyone to be a part of or made aware of as anything else. Perhaps there may be some problems with an active or actual intrusion into such a group for the purposes of gaining that kind of information.

Mr. **Lisker**. Thank you.

[Senator Denton returned to the hearing and resumed the Chair.]

Senator **Denton**. I am sorry I was not here for your opening statement, Inspector Raines. Let me express my admiration and appreciation for the Metropolitan Police Department here. You have a very diverse and intense problem. There seems to be a lot of drug activity here and a lot of crime resulting from that. I must say that from the little I know about it from reading the newspaper, I have developed a deeply appreciative attitude toward you and the Metropolitan Police Department.

I have been sent a question from Senator Hatch—one to be asked here verbally, and he will submit several others in writing. The Drug Enforcement Administration recently released a study concluding that 14 percent of their investigations were "significantly compromised" by Freedom of Information Act disclosures. To what degree can you corroborate that finding?

Mr. RAINES. In the case of our Department, as far as Freedom of Information requests that come to my unit, for example, requesting information on either investigations or informants and the like, we do not release information concerning any active or ongoing investigations, nor do we release information concerning informants or any information relating to their identity.

Senator DENTON. You say you do not release any information about informants, but that is only on ongoing investigations, right? I mean, once the investigation, as I understand it, is closed, and you are requested information about an informant or a man who happens to be an informant, don't you have to send them the dope?

Mr. RAINES. No, sir. That is not our interpretation of the exemptions under the District law.

Senator DENTON. The indirect derivation of the identity of the informant is often the result of giving circumstances about the crime and the prosecution and that sort of thing.

Mr. RAINES. That is entirely possible, yes.

Senator DENTON. I would think this question would be especially relevant for you. The FBI is prohibited by the Levi guidelines from photographing any demonstration or the preparation for any demonstration; that is in a section dealing with reporting on civil disorders and demonstrations involving a Federal interest. Do you photograph demonstrations?

Mr. RAINES. Yes, we do photograph some demonstrations, depending upon information which we may have received indicating a possibility of violence and the like. Those we would certainly film in an effort to identify those who might commit violence or any criminal act.

I might add, too, that many other units of our Department may film a demonstration for its own purposes. For example, our training division may film demonstrations for use in training members of the Department in crowd control, and so forth.

Senator DENTON. So you interpret that differently from the FBI. Apparently, they think that they must refrain from photographing demonstrations and civil disorders. But I understand that is not part of your guidelines, and I am not inferring any impropriety. I am trying to point up the difficulties the FBI is having because of their interpretation of the guidelines.

Could you tell us some examples of how photographing demonstration has assisted you in the discharge of your responsibilities?

Mr. RAINES. Yes. We have filmed some demonstrations. I will give you an example that is probably not the general expectation of the purpose of it, but oftentimes, as a result of demonstrations, litigations, suits, charges, or allegations of police overreaction or misuse of force occurs, oftentimes that gives us a very good way to refute such charges, or to prove them if they deserve to be proven.

Senator DENTON. This is sort of a sensitive question, but do you feel that you have been treated fairly in that respect in the press and on television, locally here, on that particular issue?

Mr. RAINES. I am not trying to hedge, but there have been, I think, some excellent coverages of our handling of these incidents, and likewise, there have been some that I have been less than happy with because, depending on how something is filmed, like what angle and when, something can certainly appear to be entirely different than it actually is.

Senator DENTON. I guess sometimes, like where the Iranian demonstrations show the police beating up on the demonstrators, I suppose it does not show what caused that.

Mr. RAINES. Yes, what precipitated it or what came before.

Senator DENTON. Some have questioned the expenditure of resources necessary to keep current on domestic groups through surveying public source materials, literature, and so forth. Is reading the literature concerning various groups and other public reports concerning their activities a valuable tool in domestic security intelligence gathering, and would you talk about the benefits of such monitoring?

Mr. RAINES. Yes, I think it is extremely important—so much so, in fact, that sometimes that may be the only information that you have and can acquire. And of course, that kind of information tells us something about the philosophies of the groups, their thought processes and what they may be planning, and it permits us to draw up contingency plans, and to be able to prepare to handle whatever may happen. So it is a very important adjunct of our responsibilities.

Senator DENTON. Do you collect literature and handouts at demonstrations for that reason?

Mr. RAINES. For exactly that reason, yes. I might add that we would only keep the relevant information in that regard in an active investigative folder. Any other relevant information that we feel is simply useful or helpful from a standpoint of knowledge would be kept perhaps in a research file or something of that nature.

Senator DENTON. Did photography assist you in the prosecution or the identity of the murderer of the fellow named Ali Tabatabai?

Mr. RAINES. Yes, it did. I believe that that was the so-called break in that case, if my memory serves. It was an important piece of evidence, if you will, which eventually led to the identification of those involved in that murder, yes.

Senator DENTON. Could you tell us how the photograph aided in his identification—if you care to.

Mr. RAINES. If at some future date I could respond to that, because I would rather have the investigators who were in on that respond because they are much more familiar with the details, than I am.

Senator DENTON. All right, you may submit that subsequently in writing, if you care to.

[The following material was subsequently supplied for the record:]

RESPONSE OF FRED W. RAINES TO QUESTIONS OF SENATOR DENTON

I indicated that I would answer under separate cover the question of how photography assisted in the investigation and identification of the murderer of Mr. Tabatabai. My response is attached.

Attached is the warrant for the arrest of David Belfield, the assassin of Mr. Ali Tabatabai. Mr. Belfield is still out and wanted at this time. We are enclosing this document for your information and use as an example of various points presented in my previous testimony in front of the Subcommittee on Security and Terrorism.

In any criminal investigation, an important product of that investigation is the securing of an arrest or search warrant from the court. This document represents many hours of work and is a summary of this work.

Your attention is directed to page three of the attached affidavit supporting the arrest warrant. In the first full paragraph it is outlined how one of the witnesses to the assassination was shown a large number of photographs taken during an investigation. The witness identified one of these photos as being very similar to the murderer. This photo was of David Belfield. Without this photography we would have been unable to produce a recent photograph of this subject, and further, without prior identification, we would have been unable to produce any photos of logical suspects at that time.

The second paragraph on page three of the affidavit says that a photographic array was shown, which contained the photo of David Belfield, to another witness. Without prior knowledge and identification of this subject, an array of photos which included a suspect would have been impossible at that time. Investigation at a later date to discover the true identity of the subject known only as "Dayoud" to Mr. Frazier would have proven difficult, if not impossible, since many people contacted in the subsequent investigation were uncooperative.

Additionally, it is well understood that in a criminal investigation the longer it takes to develop a suspect and attempt to get a positive identification either by photo or by line-up, the more the memories of the witnesses begin to fade. Consequently they are less able or likely to identify the perpetrator of any crime. Therefore, rapid identification through the use of photos is a very important part of an investigation.

United States District Court

FOR THE

DISTRICT OF MARYLAND

Magistrate's Docket No

Case No

UNITED STATES OF AMERICA

v

DAVID BELFIELD, aka
Daoud Salahuddin; and
Horace Anthony Butler

COMPLAINT for VIOLATION of
U.S.C. Title 18
Section 241

The Honorable George E. Burgess
Name of Magistrate

Hyattsville, Maryland
Address of Magistrate

ndersigned complainant being duly sworn states:

n or about July 22, 1980, at 9313 Friars Road, Bethesda, Maryland, in the District of Maryland

avid Belfield, also known as Daoud Salahuddin, and Horace Anthony Butler willfully conspire with other persons to injure, oppress, threaten and intimidate one Ali Akbar Tabatabai in the free exercise and enjoyment by right or privilege secured to him by the Constitution or Laws of the ed States, or because of his having so exercised the same; to wit, the murd[illegible] slaying of Ali Akbar Tabatabai on or about July 22, 1980, at approximately [illegible] a.m. in Bethesda, Maryland.

d the complainant states that this complaint is based on

(SEE AFFIDAVIT, ATTACHED, OF
THOMAS D. STIELER, SPECIAL AGENT,
FEDERAL BUREAU OF INVESTIGATION)

d the complainant further states that he believes that SA H. Thomas Moore, FBI, B[illegible] ryland; SA Thomas D. Stieler, FBI, Silver Spring, Maryland; SA Jerome [illegible], [illegible] Washington, D. C.; Detective George C. Neville, MPDI, Montgomery County, [illegible], Department of Police; Seyed Ali Mortazabi, associate of [illegible]; [illegible] Anthony Frazier, U. S. Postal Service employee, Washington, D. C.; ecial Agent James W. Norment, Jr., FBI, Silver Spring, Maryland, and Special [illegible] Wallace M. Aiollo, FBI, Silver Spring, Maryland,

material witnesses in relation to this charge.

Thomas D. STIELER, FBI [illegible]

Form A. O. 90 (Rev. 1910)

Magistrate's
Warrant of Arrest

United States District Court

FOR THE

DISTRICT OF MARYLAND

Magistrate's Docket No.

Case No.

UNITED STATES OF AMERICA

v

David Belfield, aka
Daoud Salahuddin; and
Horace Anthony Butler

WARRANT OF ARREST

To any U. S. Marshal or Federal Law Enforcement Official¹

You are hereby commanded to arrest David Belfield and Horace Anthony Butler, and bring him
here insert name of defendant or description

forthwith before the nearest available United States Magistrate to answer to a complaint charging him with Civil Rights - Conspiracy Against Rights of Citizens.
here describe offense charged in complaint

(SEE ATTACHED AFFIDAVIT OF
SA THOMAS D. STIELER, FBI)

in violation of U.S.C. Title, 18 , Section 241

Date July 23 , 19 80.

George E. Burgess
Hyattsville, Maryland
United States Magistrate

¹ Here insert designation of officer to whom warrant is issued

RETURN

Received , 19 at , and executed by arrest of

at on , 19 .

Name

Title

Date District of

, 19 . By , Deputy

AFFIDAVIT

United States of America
District of Maryland, ss.

Before me appeared this date Special Agent Thomas D. Stieler, Federal Bureau of Investigation, who after being duly sworn deposes and says that:

On July 22, 1980, at approximately noon, Detective George G. Neville, Montgomery County Department of Police (MCDP), advised your affiant that Police Units responded to 9313 Friars Road, Bethesda, Montgomery County, Maryland. Upon arrival, it was discovered that Ali Akbar Tabatabai had been shot several times as he stood in front entrance foyer of the home. Tabatabai was transported to Suburban Hospital by ambulance and was pronounced dead on arrival at 12:34 p.m. Tabatabai sustained what appeared to be three gunshot wounds to the abdomen. Closer observation revealed there were three entrance wounds in his abdomen and two exit wounds in his lower back.

Initial investigation at the scene revealed the following facts. At 11:45 a.m., Seyed Ali Mortazavi, friend and associate of the deceased, was visiting at 9313 Friars Road, Bethesda, Montgomery County, Maryland. Mortazavi heard the front door bell ring. He went to the front door of the home, looked through a curtain next to the door and observed a negro male dressed in a mailman's uniform carrying two large manila envelopes. Mortazavi asked who it was and received a reply that he had two packages, special delivery, which needed to be signed for. He then opened the door and started to sign for the parcels. The mailman stated, "No, Mr. Tabatabai has to sign for them." The man was holding two envelopes in his left hand and had his right hand underneath the envelopes. At that time, Tabatabai, who heard the conversation, went to the front door and asked Mortazavi who it was in Persian. Mortazavi replied it was the mailman and that he had two special delivery packages that needed to be signed for. Tabatabai then went to the entrance foyer, asked the mailman whom the packages were for, and bent over to see the packages. As he looked at the packages, two or three loud shots were heard and Tabatabai fell on his back into the house. Mortazavi then slammed the door and noticed Tabatabai had what he thought was two wounds and noticed bleeding. Mortazavi immediately ran to the kitchen area calling out to the other occupants of the home what had happened and telephoned for an ambulance.

Mortazavi provided the following description of the mailman:

Race	Negro
Sex	Male
Approximate age	22 - 24 years
Height	5'8"
Weight	140 lbs.
Build	Slim
Hair	Short
Facial characteristics	Triangular shaped face, no facial hair
Wearing	Complete Postal employee uniform with a pith helmet

A short time later, police units found a post office jeep parked in a cul de sac in the 9200 block of Fernwood Road, Bethesda, Maryland. Special Agent H. Thomas Moore, Federal Bureau of Investigation, advised your affiant that the Postal truck was supposed to be on a delivery route in a Postal area in Northwest Washington, D. C., and should not have been in the Bethesda, Maryland, neighborhood. U. S. Postal authorities were contacted and it was learned the jeep was assigned to Tyrone Anthony Frazier, negro male, born February 8, 1949, who could not be located. An extensive search was begun of Frazier's mail route and the surrounding neighborhood for him.

Special Agent Jerome Michael Buyny advised your affiant that Tabatabai was the Founder and President of the Iranian Freedom Doundation and during the Shah's rule was a Press Attache in the Iranian Embassy. The Iranian Freedom Foundation's philosophy is opposed to the present ruler of Iran, Ayatollah Khomeini.

Numerous Special Agents of the Federal Bureau of Investigation responded to the scene and assisted in a joint investigation of the homicide.

Special Agent H. Thomas Moore advised your affiant that at approximately 4:00 p.m., Tyrone Frazier telephoned the Postal authorities and reported that he had been abducted at approximately 11:15 a.m. and the

Postal jeep was stolen and that Frazier was presently at Sligo Junior High School. Special Agent Moore responded to Sligo Junior High School and transported him to Montgomery County Police Headquarters to be interviewed. Frazier related a lengthy statement and claimed to have been abducted, driven around for approximately five hours and then let out of a vehicle in the area of Sligo Creek Parkway, Silver Spring, Montgomery County, Maryland.

On July 22, 1980, Seyed Mortazabi, who initially answered the door bell, in the presence of your affiant, viewed approximately 400 photographs of individuals that were compiled by Metropolitan Police Department Intelligence, Washington, D. C., during the course of surveillance activities of a Black Muslim Sect which has been a target of intensive investigation for several months. Mortazabi, after viewing the photographs, selected two photographs of two individuals that looked very similar to the man that was at the front door dressed in a mailman's uniform. Mr. Mortazabi stated he was 90% sure that one of the photographs was the man in question and that the other subject was very similar. The individual that Mortazabi selected as being 90% similar is an unknown subject to the investigative agencies involved. The subject that Mortazabi stated was also very similar has been identified as David Belfield, also known as Dauod Salahuddin, negro male born November 10, 1950; last known address 5714 16th Street, N. W., Washington, D. C.; Social Security Account Number 113-44-2612; an individual that is a member of the Black Muslims.

At 2:46 a.m., July 23, 1980, Tyrone Frazier viewed a photographic array that consisted of a slide presentation of six negro males similar in appearance, one of which was David Belfield. Frazier, after viewing the presentation, positively identified the slide of David Belfield.

Frazier was furnished a U. S. Government form entitled, "Interrogation: Advice of Rights" which he stated he understood and signed. Frazier then admitted that he had been lying to Agents and furnished the following information to Special Agent H. Thomas Moore (supra):

Frazier advised he first met an individual named Dayoud (phonetic) in September, 1979, at 18130 Otis Street, Washington, D. C., which was the residence of James Palmore, a mutual friend. Palmore introduced Frazier to Dayoud, whom he has seen approximately twelve times since that date.

On Sunday, July 20, 1980, Dayoud called Frazier at his home at approximately 9:30 p.m. and stated he wanted to talk, but not over the phone, so Frazier invited him to his house. Dayoud arrived at Frazier's residence approximately forty minutes later, at which time Dayoud informed Frazier that he wanted to use his Postal Service jeep which he uses as a letter carrier with the U. S. Postal Service. Dayoud advised he needed the jeep to deliver a package. Dayoud offered Frazier $500.00 for use of the jeep. Frazier agreed to loan him the jeep because he was afraid of Dayoud. Frazier had heard he was involved with weapons and the martial arts and could hurt people. Dayoud then gave Frazier $200.00, and stated he wanted the jeep the next day, Monday, July 21, 1980, but changed his mind and said he would call Frazier when he needed the jeep.

Dayoud contacted Frazier by telephone on Monday, July 21, 1980, at approximately 9:30 p.m., and informed Frazier that he needed the jeep the next day. They agreed to meet on Idaho Avenue in Washington, D. C., between 11:00 a.m. and 11:30 a.m. because it is on Frazier's Postal route. Dayoud had advised Frazier on Sunday, July 20, 1980, that Frazier was to report that he had been abducted and his jeep stolen at gunpoint.

On Tuesday, July 22, 1980, at approximately 11:15 a.m., Frazier drove his Postal Service jeep to Idaho Avenue where he saw Dayoud exit a 1974-75 small blue car. Frazier observed another individual, perhaps a negro male, in the driver's seat of the car. Dayoud, dressed in a pith helmet, a blue shirt, and gray pants, appearing to be a Postal carrier uniform, approached Frazier's jeep. Dayoud had his hand in a brown envelope which Frazier thought might contain a gun. Dayoud then said, "Let me get the truck." and motioned to a truck behind him. A 1974-75 light blue Ford Custom pickup truck with a blue shell over the bed pulled up next to the jeep. The truck was driven by a negro male with a beard. Dayoud told Frazier to get into the truck, at which time Frazier entered the passenger's side. Dayoud then got into the Postal Service jeep and drove off.

The truck Frazier was in departed the area and the driver said that they were going to Baltimore, Maryland. Frazier recalls traveling up Interstate 95 to Baltimore where they rode around Baltimore and after several hours drove back to the Washington, D. C., area. During the trip back, the driver said he was a self-employed carpenter and had been in the military service in Viet Nam. He asked Frazier where he wanted to be dropped off and Frazier saw a sign that said Wheaton, so Frazier said Wheaton. He pulled into a Highs food store parking lot at University Boulevard and Colesville Road and stopped the truck. He told Frazier he was going to a gas station to wash something from his eye and Frazier told him he was leaving.

Frazier walked on University Boulevard, then through a park to a school where he called Postal Service Supervisor and told him he had been abducted and his jeep stolen.

Frazier described Dayoud as a negro male about 30 to 31 years of age, 5'10", 150 lbs., light brown complexion, short black hair, prescription glasses with plastic frames, and not married.

Frazier described the driver of the truck as a negro male 34 to 35 years old, 5'10", 165-170 lbs., medium complexion, black afro hair style, full, neat beard, and was wearing a maroon T-shirt and bluejeans.

On July 22, 1980, Frazier advised Special Agent Jerome Buyny, Federal Bureau of Investigation, Washington Field Office, Washington, D. C., that on July 20, 1980, Dayoud advised him that if any problems should arise as to the use of the jeep, he was to contact Dayoud at telephone number 965-2050. The telephone number, according to the Chesapeake and Potomac Telephone Company of the District of Columbia Information Operator, is subscribed to by the ~~Iranian Interests Section~~ of the Algerian ~~Consulate to~~ the United States of America at 2139 Wisconsin Avenue, N. W., Washington, D. C. Special Agent Buyny knows this section to represent the interests of the current Iranian Government in the United States of America.

Frazier advised Special Agent James W. Norment, Jr., that while driving around Baltimore in the blue pickup truck, he and the driver started talking about the difference in housing costs between Baltimore and Washington, D. C. During this conversation, the driver picked up a manila envelope from the dash, showed it to him and advised him to copy down the name and address on the envelope in case he needed any carpentry work. Frazier wrote down Harold A. Butler, 4921 LaSalle Road, Avondale, Maryland.

Frazier was shown a photographic spread which consisted of six negro males similar in appearance, one of which was Horrace Anthony Butler. Frazier, after viewing the presentation, positively identified photograph number six of Horrace Anthony Butler as the driver of the blue pickup truck.

Horrace Anthony Butler is described as a negro male, date of birth August 12, 1944, place of birth Washington, D. C., 6', 180 lbs., brown eyes, black hair, fair skin.

On July 23, 1980,Assistant United States Attorney David Queen, Baltimore, Maryland, authorized the filing of complaint, charging David Belfield and Horrace Anthony Butler with violation of Title 18, U. S. Code, Section 241 (Civil Rights - Conspiracy Against Rights of Citizens), provided authorization is obtained from the Attorney General or Deputy Attorney General of the United States pursuant to Title 18, U. S. Code, Section 245.

On the same date, Deputy Attorney General Charles R. Renfrew authorized the filing of complaint for violation of Title 18, U. S. Code, Section 241 pursuant to Title 18, U. S. Code, Section 245.

____
Deponent's signature

Subscribed and sworn to before me this 23rd day of July, 1980.

____
George E. Burgess
United States Magistrate
Hyattsville, Maryland

Senator **Denton**. I understand Mr. Francis has no questions.

Do you use plainclothes officers in crowds as a part of your intelligence-gathering efforts, and how would you assess the value of that practice?

Mr. **Raines**. I think that it is very, very important. We utilize plainclothes officers primarily to determine if there are those among the crowds who are either agitating or espousing trouble, or if there is any clear indication that there will be problems resulting. It gives us a pretty good pulse of a particular crowd. Of course, these officers are not undercover, as such. They would identify themselves either if asked or if they have to take police action.

Senator **Denton**. I assume you are familiar with the Levi guidelines, because your prepared statement indicates that you think they are too restrictive. I guess the big question would be in what ways have they impaired the FBI's ability from your point of view, and any recommendations you may have for modifying the guidelines as presently drafted and interpreted.

Mr. **Raines**. I think I alluded to several instances—and there are many more—whereby if we had received more complete and timely information, we would have been better prepared to handle various situations.

The responsibilities of the FBI are quite different, obviously, in many respects. The national and international intelligence information that the Bureau has the capabilities of collecting is most crucial in assisting us in carrying out our responsibilities. As to any specific suggestions for any particular area to be addressed in the form of changes or modifications, I think I would just like to say that perhaps these proceedings may be about the most important thing, I believe, that can happen. I think it is as important for this Nation as a whole, and for our society in general, to be informed and to have the opposing view and to be familiar with the other side of the coin, as well as some of the other issues which have, perhaps, precipitated this current situation that we are in.

Senator **Denton**. Well, I am not sure how much of a contribution our hearings have been to the improvement of the political climate among the public due to the limited media coverage. I am not saying that for personal reasons, but due to the importance of the subject area. However, I do feel we have already, as a result of the findings of this subcommittee, managed to begin progress in this direction, and your testimony as well as that of Detective McCree has been valuable in that respect.

You have an attachment here which deals with literature, terrorist literature, and at least one excellent example of how an intent published in a piece of literature has resulted in the fulfillment of that intent in terms of an assassination.

I assume that you would like to have that entered into the record. It would be valuable.

Mr. **Raines**. I certainly would, and forgive me for neglecting to mention that.

Senator **Denton**. All right. We will enter that into the record.

[The document was received for the record and appears as exhibit K in the appendix to this hearing.]

Senator **Denton**. I want to thank you, Inspector Raines, and you, Detective McCree, for your very excellent testimony this afternoon.

You may be receiving written questions from me or the other members of the subcommittee, and I ask you to submit your written responses within 15 days from the time you have received the questions.

Again, thank you. This hearing is adjourned, subject to the call of the Chair.

[Whereupon, at 4:20 p.m., the subcommittee was adjourned.]

APPENDIX

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QUESTIONS AND ANSWERS

RESPONSES OF FRED RAINES TO QUESTIONS OF SENATOR DENTON

1. Many of our witnesses have mentioned the adverse impact of the Privacy Act and the Freedom of Information Act. What effect has the Privacy Act had on your ability to perform your intelligence collecting job?

   The Privacy Act has had little actual impact on our ability to collect intelligence information. We have few problems in justifying subpoenas for needed information. The real impact of the Privacy Act has been in the areas of retention and dissemination of information. We are, I believe, more sensitive about the rights of innocent people whose names may come up as a by-product of an investigation and take every precaution to corroborate information on those involved in criminal activity and expunge information on those who are not.

2. Does D.C. also have an FOIA? Are you affected by both the federal and local FOIA?

   Yes, the District of Columbia has an FOIA. We are governed by the District's FOIA and not by the federal FOIA. The Metropolitan Police Department is a local law enforcement agency.

3. Under the Freedom of Information Act, what assurances do you give informants if an FOIA request is received?

   The District's FOIA specifically exempts producing information that might reveal an informant's identity.

4. From the experience of the Metropolitan Police, have groups or individuals who have endorsed and advocated violence as a means to change political or governmental actions, in fact, carried out their rhetoric with actual violence?

   Yes. We submitted with our original testimony information on the Islamic Guerrillas of America that illustrates, I believe, this relationship very clearly.

RESPONSES OF FRED RAINES TO QUESTIONS OF SENATOR HATCH

1. On a related topic, I would like to know if you have any knowledge of the Freedom of Information Act impeding law enforcement efforts?

2. To what extent has FOIA endangered informants in criminal investigations by disclosing their identities? Do you know of instances when potential informants refused to cooperate fearing that their identity could be disclosed pursuant to a FOIA request?

   I can only say that FOIA has been no real problem for us. Our Division has never been challenged on information we have refused to furnish under an FOIA request. We receive less than 10 requests a year, and follow the District's law in responding.

   Information that would reveal the identity of a confidential source and information furnished by a confidential source are specifically exempted from disclosure.

3. Does FOIA and the potential that investigations may be compromised impede cooperation between state and federal law enforcement officers?

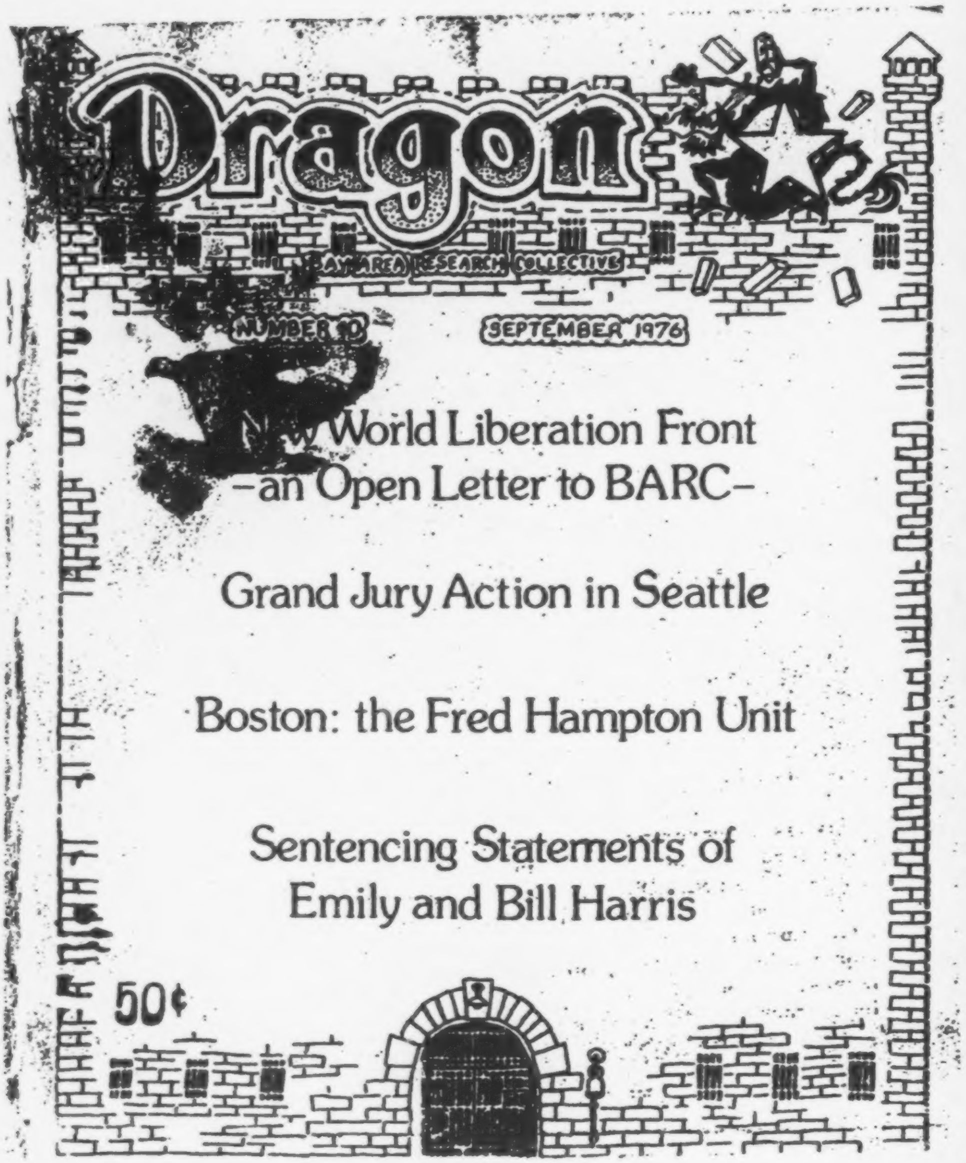
   I do not think that FOIA has impeded our cooperation with federal or state law enforcement agencies. We do not, in any case, disclose third party information, so there would be little reason to allow FOIA to hinder cooperation.

   We do disseminate intelligence information to other law enforcement agencies (federal, state and local) upon request, and after a demonstration of both a right to know and a need to know. Our disseminations carry a stamp pertaining to third party disclosure. If there have been problems of any of this information being furnished under a FOIA request, I am not aware of it.

4. The Drug Enforcement Administration recently released a study concluding that 14% of their investigations were "significantly compromised" by FOIA disclosures. To what degree can you corroborate that finding?

   I can neither corroborate nor abrogate the Drug Enforcement Administration's statement. As I stated above, the FOIA has not been an insurmountable problem for us.

EXHIBIT A



Dragon

BAY AREA RESEARCH COLLECTIVE

NUMBER 10

SEPTEMBER 1976

[illegible]w World Liberation Front
-an Open Letter to BARC-

Grand Jury Action in Seattle

Boston: the Fred Hampton Unit

Sentencing Statements of
Emily and Bill Harris

50¢

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BAY AREA RESEARCH COLLECTIVE
BOX 4344
BERKELEY, CALIF. 94704

CENTRAL COMMAND

NEW WORLD LIBERATION FRONT

OPEN LETTER TO BARC

In the development of aboveground communication bases to provide an alternative to the Berkeley Barb, the Bay Area Research Collective was one of the first to respond, with the Dragon.

Dragon has provided people with information about different underground activities but underground groups, as they develop, must establish their own communication bases. In this spirit - as an aboveground unit of the NWLF - TUG was manifest. This NWLF unit has been invaluable and the possibilities TUG opened up for above/under coordination, direction and unity are just starting to be explored.

We have moved to a new stage of development. TUG is an aboveground voice that is part of the NWLF, capable of representing clearly our attitudes and views, the theory that guides our actions, and the nature of the new order we are building. Our communications base has no illusions about where correct ideas come from. These comrades fully realize that only practice - guided by principled theory - is capable of drawing up our strategies, our tactics. They would never think of directing us how to move; suggestions, questions, but not directing.

Their concern for our security is utmost in their minds and they understand the need for selfless service to the people. Our unity is strong and our bonds of revolutionary love are deep, even though we have never met face to face.

UNRESOLVABLE DISAGREEMENT

After reading and analyzing Dragon #9, we have concluded that it is in the best interests of service to the people for the New World Liberation Front to discontinue struggling to develop revolutionary dialogue through Dragon. We are not going to explore all the areas of disagreement; we will point out the major areas we see as unworkable at this time.

We cannot work with your lack of theory and practice as arm chair philosophers. An example is the stance you've taken toward Jacques and our Grand Jury strategy. We say to you: you are in no position to direct our struggle! You caution people to be wary in their dealings with the information relay followed by: "we say all this from a position of comradely support" rings hollow and false in our ears. We encourage you to study more fully the process of comradely criticism/self criticism so that you will not confuse divisive and subjective analysis with comradely support.

Grand Jury

As to the Grand Jury tactics, the section on security in this issue of TUG clearly shows the necessity of adopting the strategy we've formulated for the problem at hand.

Your position shows a lack of theory and practice that is necessary in order to draw up effective and principled strategy and tactics. From this lack of practice/theory, you would play right into the hands of the pigs by simply refusing to say anything, thus leading to jail and a temporary halt to revolutionary work when you knew nothing. How can publically giving useless/no information and continuing to work to serve the people serve the interests of the pigs? We feel you are blinded by your individualist stance. You should be learning from our tactics!

Opportunism

Another example of how your determination to direct our struggle misserves the people can be seen in your choice of what to print. You slanted Dragon to back-up your criticism of our stance on radical feminism/homosexuality. Many of the issues we've raised - particularly the question of radical feminism - are threatening to you personally and the overall perspective of our struggle is lost to you.

It's almost like the case of Popeye when you said that there was no information about investigations into his assassination when there was. In Dragon #9 you said that most of the response to our statement was critical, yet you had letters in strong support of our stance from comrades from oppressed backgrounds armed with theory and practice. You choose not only to ignore these letters but you misled the people into thinking that there was little or no support for our stance except from the information relay and the TUG staff. This is what we call opportunism: using something when it suits your purpose and tossing it aside when it doesn't. You should adopt a standard so that these mistakes aren't repeated.

Feminism / Homosexuality

The letters you did choose to print in Dragon #9 - and the confused ideas in them - clearly indicate how much the issues of radical feminism/homosexuality and revolutionary theory need to be struggled with. One point that needs more thought on the part of gay people is: where does homosexuality come from? Is it an idea that drops from the skies? Is it innate in the mind?

Is it correct to say - as the lesbian collective did - that their "loving women preceded - and had nothing to do with - our practice with men?" We say no.

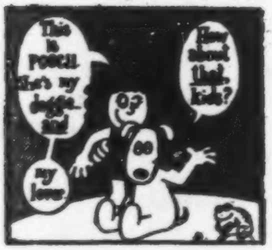
We say: homosexual behavior is a reaction to concrete social conditions in a capitalistic, degenerate, individualistic ("me-me") order and is directly tied to confusing, often painful experiences with the opposite sex.

Many people organised around sex-oriented issues feel the socialist countries of the world (such as China, Vietnam, Cuba) are sexually backward in their heterosexually oriented societies and that sexual freedom in this country is in the Vanguard. The most developed human behavior comes from the most socially developed countries. We have so much to learn from the liberated peoples of the world about how to relate more fully, more humanly, in order to build a socialist world. We must stuggle to analyze all personal behavior that is a reaction to this dog-eat-dog order.

Mistaken Ideas

2 ideas came across in Dragon #9 that we strongly do not want to be associated with the New World Liberation Front.

The first is your choosing to print the cartoon on page 31 for whatever reason. It is a good example of how confused people are sexually:


This is POOCH. She's my doggie and
my lover.
How about that, kids?

This is not freedom of sexual choice. The perverted shit of a little girl and her female dog lover is the same mentality found in the Berkeley Barb. When there is more harmony between the sexes, there will be no place for the sick humor this decadent order has manifest.

The "all struggle, no unity" cartoon on page 30 is obviously a statement you're making out of your own feelings. If you neglect studying theory and reaching out to learn from poor people, you're guaranteed to have many more "all struggle, no unity" days. We urge you to analyze your choice of graphics (many of them) and recognize the need for correcting this behavior.

The second idea is Ed Mead's suggestion that white people organize along sexual lines while others organize by race. We feel this is a reactionary stance that is not capable of developing the broad united base necessary to smash this unjust ruling class order and build a more human, socialistic order.

This concept shows reactionary sexist and racist attitudes. Analyze along class lines. Unity, not separation for poor/working class white people. Unity for all and with all poor/working class people. SEPARATION TO THE ENEMY. USE YOUR SAME TACTICS TO DIVIDE THE ENEMY; they are dividing the enemy now. Support unity among the people (masses).

To better explain the relationship of sexual analysis we say: the sterilization of one third of the women in Puerto Rico is not first a crime against women. We say that a crime is being committed by the U.S. ruling class against poor Puerto Ricans in the sterilization of one third of its women.

In the same way, butcher abortions are first a crime against poor people. Similarly, nightmare experiments with syphilis over a prolonged period on male convicts and poor black men is not first a crime against men but a crime against poor people by the ruling class. These are class issues.

Some articles in Dragon #9 said that poor/working people only balk at the words homosexuality and radical feminism in the way that they do communism. The implication is that - just as they will come to accept communism - they will accept radical feminism and homosexuality. The big difference is: poor/working people only reject the word communism, not the concept.

If you ask poor people what they think of a communist society without using the word or other "saliva" words, they'll say: "sure, I'd love to see that kind of order here." You won't get the same response if you give the concepts of homosexuality and radical feminism without using the words; poor/working people reject the words and the concepts both.

We have no detailed reply about what we didn't cover in our statements (the positive side of the dialectic). Our purpose was to expose the dangers radical feminism/homosexuality pose to revolutionary organizing. We make a clear distinction between socialist feminism and radical feminism. We support socialist feminism to the fullest, this is toward total liberation.

We recommend that members of the Bay Area Research Collective study "Where do correct ideas come from?" and "Combat Liberalism" by Mao. Also, "On the Correct Handling of Contradictions Among the People" and "Criticism and Self Criticism."

Drop all petty differences. Accent common bonds. Separate major issues from minor issues; know the difference between them and their perspective, one to the other. Serve the people.

7/76

PEOPLES' FORCES
Central
Command
NWLF

FURTHER CRITICISM OF BARC...

A SAD DUTY

PEOPLE'S INFORMATION RELAY-1 NWLF

To have to criticize comrades publicly is a sad duty, one we might have tried to duck had we not been instructed by the Central Command to cover points better viewed from our perspective. PIR-1 criticizes itself for its reluctance/unwillingness to undertake this responsibility and offers the following response to Dragon #9 and the practice of the Bay Area Research Collective.

The first thing we would question is BARC's policy of publicly criticizing comrades instead of engaging in private dialogue. You were told that PIR-1 had a means of transmitting information to the Central Command and the Combat units and you certainly knew that you were welcome at PIR-1 for discussions of any length. The Central Command has always responded to BARC's questions and criticisms, even when it caused security problems or unnecessarily revealed strategy and tactics to the enemy. The questions you ask are often the same ones that would be asked by the pigs and you place the underground in the position of having to give up sensitive or secure information or look like they're trying to cover up a mistake. In one case you were told that raising a particular question would create just such a situation and you arrogantly raised it anyway. We call this sensationalism.

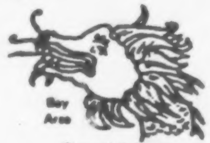
A similar situation exists in your raising the question of Jacques' (and PIR's) tendency to get in the news at the expense of - as you put it - "the politics around which they are moving." It was explained to you in some detail that this resulted from two factors: a Grand Jury strategy that was dependent on media attention (neither Jacques nor PIR gave any interviews to the media until 2 days before the Grand Jury battle began) and the unfortunate tendency of the media to focus on individuals at the expense of the ideas (theory) which were the only thing that was important.

Every effort has been/is being taken to counteract the effects of these 2 factors and you were told that Jacques was now under instructions from the Central Command to turn over all media responsibilities to a sister on the TUG staff who would discharge them on a long range basis. Jacques was the first person to become visable to the media and because of this, was the one singled out for Grand Jury attack. It was necessary to make him even more visable in order to protect him. Since you knew all of this, we must characterize your public attack as deceitful.

In your criticism of NWLF demand strategy you stated that "Aboveground organizers in San Francisco did next to nothing to take advantage of the initiative and strength the NWLF had developed" (in the parking meter war). At that time, a small handful of people were struggling to establish a practice while attempting to deal with enormous internal and external contradictions. We were receiving communiques for distribution in batches (3 at one time on one occasion) and posting them all over the city (Berkeley too). We were struggling to integrate a printing facility (none of us were printers) into our operations so that we could begin publication of TUG while trying to duck Grand Jury subpoenas. Twenty hour days were not long enough.

In spite of all our limitations (only briefly touched on here), we feel we were able to make a significant contribution to a successful campaign. We were able to establish a decision making process in the county jail to move on the underground's initiative and the problems encountered as well as the decision reached were described to BARC who used the information in Dragon.

We are not aware of what it was BARC was doing to "take advantage of the initiative" developed by our underground. We know of one mimeographed statement that we printed and distributed throughout the area. We even designed a logo to go on the BARC statement and - if you'll recall - had some difficulty getting your permission to reprint it since we didn't (still don't) even have your telephone number or address (except for the post office box) and it was your practice to either ignore our letters or take a month to reply. We must call this criticism both uninformed and arrogant.



Your criticism of demand strategy is identical to criticism offered by pigs and the pig media who do not read the communiques. You would characterize the campaign against PG&E unsuccessful and the demands unrealistic but the campaign is far from over and the demands will be met! PG&E spends a fortune protecting their far flung empire and so loses every day. They know our underground will attack again!

One of our strongest advantages is that the people's forces pick the time, target and method of attack. They will not be provoked into premature action; not by the pigs, not by Popeye, not by BARC. This is the essence of guerrilla war. We suggest that you study "The Art of War" by Sun Tzu (as recommended in communiques).

Your criticism of our dealings with the police is also uninformed. There was a period when our strategy for surviving the first few critical months of our existance included demonstrating that we had nothing to hide by answering questions put out by the pigs. There were, however, some important conditions.

The most important of these was that all questions and answers had to be in writing so that there would be a record for all to inspect. An additional condition placed on the San Francisco Intelligence and Bomb Squad units (who wanted to ask questions) was that they had to give information in exchange for the information received. They presented 4 written questions and we gave written replies plus 2 questions of our own. They backed out of the deal and submitted no further questions.

Jacques testified very briefly before the Grand Jury and his replies to the prosecutor's questions (the replies were not responsive to the questions) were given in writing. Photocopies of the written answers were distributed to the media 10 minutes after he left the Grand Jury room. He also testified briefly in open court and everything "said" was in writing. He also gave written replies to FBI questions. They couldn't think of any good ones to ask (they didn't think about 2-way information exchange which was all Jacques knew anyway) and left in disgust, not following up on an invitation to return until it was too late.

You have warned comrades to protect their security by exercising caution in their dealings with PIR-1 and it is advisable that they do so but not for the reasons you imply. Because of our vulnerability to Grand Jury attack, it threatens our security to have secret information and there is no reason for such information to be given to us, except as outlined in the analysis on security in this issue. We are under intense surveillance, our mail is opened, nothing at PIR-1 is secure.

At the same time, we know of nothing we have ever said or done that could pose the slightest threat to the security of BARC or anyone else while BARC has created serious security problems for 4 different aspects of the Front that have necesitated the formulation of whole new strategies. In view of these facts (all well known by BARC) we must view this criticism as unfounded and uncomradely.

In fact, there is nothing comradely about Dragon #9. All your criticisms were based on information that was either incorrect, distorted or partially suppressed and - as the Central Command has said to the Rolling Stone - half truths are also lies. Your statements were not comradely criticisms at all in spite of your hollow words about support, they were a broad attack against the New World

Liberation Front that was apparently motivated by a reaction to our stand on radical feminism and homosexuality.

SELF-CRITICISM

Of all the "criticisms" hurled at us by BARC, your charge of arrogance is the only one that seems to have any merit. We wish to assume an arrogant stance toward the enemy but feel that arrogant attitudes come to have a hold on the mind, even though they are assumed for a principled purpose. It is possible that we have unintentionally assumed an arrogant stance with comrades and this is a dangerous tendency that must be corrected. In our relationship with BARC, we have had reason to criticize ourselves about this error on a previous occasion as you might recall. We are struggling with this problem and wonder if BARC is doing the same?

We have concern for your lack of understanding of the process of criticism/self criticism and wonder if you are aware of this lack. You arrogantly offer biting and uncomradely criticism when you know nothing while rarely criticizing what you know best: yourselves. You limited your self criticism over an importtant matter of priciple where you were charged with distortion and suppression of information and a deliberate attempt to mislead and deceive the people and discredit the underground (Popeye) to 2 short sentences and only then because it was demanded by the Central Command.

We urge our comrades in the Bay Area Research Collective to confront and resolve these contradictions to better serve the needs of the people and to begin a period of intensive study and practice of principled theory. If you do not so arm yourselves, you will continue to be used by the enemy and your fate will be dishonor and disgrace.

These words are offered with an aching reluctance for we know they will be painful to read, more painful to grasp. Comradely criticism is an act of love and we offer ours in that spirit, toward total liberation.

--PIR-1 NWLF
7/76

[The preceding statements from Central Command and PIR-1, New World Liberation Front are reprinted here in full from the third issue of The Urban Guerrilla, official voice of the NWLF -- available from PIR-1, 423 Oak Street, San Francisco, CA. 94102. Our response follows. ---BARC]

BARC'S REPLY TO THE NWLF

We will begin our response to Central Command's open letter to us by re-stating our purpose. Dragon, since we began printing it last August, has been our primary political voice; the voice is public. It is no house organ: central to its purpose is, and has always been, public criticism -- of us and of others, of practice and of practical theory. In response to the first section of the open letter (about the development of TUG) we must say that we certainly have no quarrel with TUG per se and readily accept the need of the NWLF to develop its own voice. Dragon, however, performs a different function. Our intention has been the development of public dialogue, a process of criticism and self-criticism, a forum for progressive people and groups to publicly engage in productive discussions of practical and theoretical differences and similarities centering primarily on issues involving guerrilla struggles in this country.

We feel that it is quite untrue for Central Command to suggest that we've attempted to "direct" their tactics or strategies. We have and will continue to make criticisms of what we think is wrong with NWLF strategies and theory, as we have and will with others when we see political importance in so doing. We will also make suggestions from our perspective of how we think practice can be improved. We have never suggested that our perspective is, or should be, the same as that of an underground organization or of anyone else. Guerrillas must take final responsibility for their actions and therefore we presently, as in the past, readily recognise that their perspective ultimately directs their actions, as ours directs our actions. And so should it be.

We feel that we had substantial and valid rationale to warn people to be cautious in dealing with PIR, since in Dragon #8 we had in the strongest possible terms urged our readers to, "Read TUG, the voice of the NWLF." At that time we were not fully aware that, as is stated in TUG #3, "Nothing is secure at PIR-1." We did not want our readers, their names, addresses, etc., to be exposed to Grand Jury, FBI, or police scrutiny unless they knew quite well that PIR-1 would not protect their identities and security. If our statement of support rings hollow, believe that it is not; we will continue to support the progressive work of the NWLF and its communications section. But our support will continue to be critical when criticism is called for. We must remain sharply critical of the "Nothing is secure at PIR-1" strategy. The criticism was practical and objective, not, as C.C. says, "divisive and subjective." We still assess the NWLF Grand Jury strategy as dangerous. Of course it is true that Grand Juries can, have been, and will continue to be used to jail progressive and revolutionary people and this does serve the state. But can we compare this to the damage done by talking to a Grand Jury? Can anyone know so well what information is useful or will be used -- even illegally in a set-up? Quite distinct from the Grand Juries' function of jailing people on contempt charges is their primary purpose: that of drawing up criminal indictments. Furthermore, can we assess the damage done through disunity to a non-collaborating movement? Doesn't this move at once undercut the strength of non-collaboration while undercutting support for the NWLF? Many people simply don't want their enemies, the state, to be privy to either the fact or content of correspondence and/or conversations with (even aboveground) members of the NWLF. As we said in Dragon #9, we repeat that this strategy appears to us both arrogant and individualistic -- as well as dangerous: one member of PIR-1 was indicted for threatening members of a Grand Jury. She has been released on bail.

Central Command goes on to call us opportunistic for misrepresenting the response we received concerning the NWLF statements on feminism and homosexuality. C.C. argues that we had letters in strong support of their position which we chose to ignore. We had two. One was from a PIR-1 staff member. This letter basicly repeated the PIR, NWLF position; as it offered nothing new to the discussion, we chose not to print it. The other was from Ken Como. Ken told us specifically that his letter was not for publication. Elsewhere in this issue we've printed Ken's public response on the subject. It was and remains definitely true that most of the response we've received has been sharply critical of the NWLF position.

It may indeed be true that the question of where homosexuality comes from is important. It is a question that some gays have been been and are struggling with. It is not a question that this collective is qualified or cares to answer. As we see it, more important to more of the gay community is the fact of and struggle against heterosexual and societal oppression of gay people. This collective chooses to judge practice on its basis in revolutionary theory as we judge theory on its practical success. We do not dictate sexual choice and see no purpose in doing so. We do not see homosexuality as reactionary, capitalistic, or individualistic. We cannot use China, Vietnam or Cuba as sexual-political models since those cultures and ours are extremely different. Those cultures began long before the countries' socialist liberation and still affect their cultural development, as do their basically agrarian economies.

As to our choice of graphics, we don't consider either of the graphics mentioned by Central Command to be of great importance or particularly telling of our perversion, degeneracy, lack of struggling with theory or lack of reaching out to learn from poor people. We don't expect that what is humorous to us will be humorous to everybody.

It is probably true that sterilization of Puerto Rican women is first a crime against poor people. However this leaves a couple of things unsaid: 1) it is always a crime against poor women; 2) it took autonomous women's groups to begin to organize against such crimes and they continue to do the most work against these abuses; 3) rape is an example of a crime specifically against women by men (in the case of homosexual rape, it is usually the aggression of one man against another whom the rapist forces into a "passive/feminine" role). Rape cuts across class lines and occurs in all countries. It cannot be fit into a simplistic class analysis.

We take issue with C. C.'s statement that working and poor people reject the "concepts" of homosexuality and feminism. Actually, a great many poor and working people are gay and/or feminist. A considerable part of the gay and feminist communities are poor or working people. Furthermore, the fact that poor and working people accept or reject a concept is insufficient rationale for judging the concept's validity. Capitalist society has been extremely successful in creating reactionary character traits and ideology in every segment of our society. It is obviously not true that working and poor people are by definition revolutionary. Revolutionary consciousness develops through an understanding of personal oppression. All sorts of oppression are potential bases for that understanding. But no particular form of oppression guarantees revolutionary consciousness.

Central Command urges us to

"Drop all petty differences. Accent common bonds." We must point out that it is not we who have defined considerable portions of the revolutionary community out of our camp. We have attempted to maintain an ecumenical stand in regards to other revolutionary groups and people. We have maintained that in spite of differences with others (in this case with the NWLF) we, as revolutionaries are all fighting for the common goals of survival and liberation. We offer criticism from our perspective that we hope will be useful in developing a strong and viable movement. Our criticisms of the NWLF have been practical; we have kept our common purpose and our common enemies -- capitalism, the state, political reaction -- in mind. We consider and greet the NWLF as allies against these common enemies.

SOLIDARITY, that is, harmony of interests and sentiments, the sharing of each in the good of all, and of all in the good of each, is the only state in which man [sic] can be true to his own nature, and attain to the highest development and happiness. It is the aim toward which human development tends. It is the one great principle, capable of reconciling all present antagonisms in society, otherwise irreconcilable. It causes the liberty of each to find not its limits, but its complement, the necessary condition of its continual existence -- in the liberty of all.

"No man," says Michael Bakunin, "can recognise his own human worth, or in consequence realize his full development, if he does not recognise the worth of his fellow-men, and, in co-operation with them, realize his own development through them. No man can emancipate himself unless at the same time he emancipates those around him. My freedom is the freedom of all, for I am not really free -- free not only in thought, but also in deed -- if my freedom and my right do not find their confirmation and sanction in the liberty and right of all men, my equals...."

...Solidarity then is the condition in which man can attain the highest degree of security and well-being. Therefore, egoism itself, the exclusive consideration of individual interests, impels man and human society toward solidarity. Or rather egoism and altruism, (consideration of the interests of others) are united in this one sentiment, as the interest of the individual is one with the interests of society.

-- Errico Malatesta

As allies, as equals, and in the interest of developing a truly revolutionary movement, we have answered C. C.'s open letter to us and, in this same vein, urge them to re-think their response and answer more fully and more openly the criticisms and analysis contained in Dragon 9.

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We now turn our attention to the PIR-1 statement, "A Sad Duty". We will attempt not to be repetitive and respond to points raised by PIR-1 that weren't covered in the C. C. statement.

First, we are brought to task for "pubicly criticizing comrades instead of engaging in private dialogue." We are compelled to ask where you have been for the last two years. Public criticism and providing a forum for public dialogue has been our stated and practiced purpose since we began Dragon. As we see it, the need for such a forum continues. We were offered private communication with Central Command but, at the same time, we were being told of the PIR-1 strategy of talking to the authorities -- from police to Grand Juries. We repeat, "Nothing is secure at PIR-1." We felt that "private" messages from us to people underground via a messenger who would divulge all s/he knew would be foolhardy. We have taken and stand by a position of non-collaboration. If a messenger admits to transferring messages between C. C. and us, we are obviously set up for at least a subpoena. We chose to make our criticisms publicly.

As to our creating security problems or unnecessarily revealing strategy to the enemy, we have to point out that our analyses are based on publicly-known information and that we ask for response within limits drawn by security needs.

As for our criticism that Jacques Rogiers tended to put himself in the news at the expense of the NWLF's political moves, yes, it's quite true that we knew that Rogiers was no longer NWLF media spokesperson. But the criticism was and still is valid and educational. Since Rogiers chose to become so publicly visible through the media causing many people to question the strategy, we felt that a public criticism and/or self-criticism was useful.

Concerning our statement that aboveground organizers failed to take advantage of the NWLF's initiative in the campaign for improved health care in San Francisco jails, apparently we should clarify what we wrote. Nowhere did we mean to suggest that PIR-1 wasn't trying to utilize and develop that strength: we expected them, as a unit of the NWLF, to contribute to the campaign, and they did. We reported on their role in Dragon (#5&6). The criticism was directed at other movement people in San Francisco, people involved in health-care, jail and prison issues. We approached several health-care groups ourselves and encouraged them to use the opportunity the NWLF had created to publicize their needs and complaints, but none of these groups took any action on the matter.

We feel that PIR-1 was clearly wrong in interpreting our statements about the PG&E demands as provocateurish. Our intent was not to suggest that the NWLF use more force in realising its demands but, as we stated, that the demands be attainable given the force that the guerrillas can use for their realization.

As for our "uninformed" criticism about PIR-1's security, it is simply not true that questions and answers to and from police were written: we quote a letter from Rogiers to San Francisco cop Inspector Algrim, "I was very happy to answer your questions over the telephone Friday evening and was encouraged to find that San Francisco police can use more civilized means of obtaining information than intimidation." Rogiers told members of BARC about a conversation with cops at his house during which the cops finally tired of listening to him and left. It may be true that most contact with police has been written (this may or may not prove a safe tactic) but certainly not all of it was. Rogiers also told us that he spoke with Feds about a member of BARC. While he may not have divulged any particularly useful information, we feel that we had sound basis for our criticisms of PIR-1's security.

We have already explained why we warned people to be wary of PIR-1. We also explained that our analyses are based on public knowledge. If NWLF security cannot stand those analyses, then it cannot stand the public information from which we drew them. If PIR-1 thinks that the various authorities are less capable of analyzing and evaluating events and statements than we are, then we offer this truly comradely suggestion: that PIR-1 re-assess their position on security. The police, etc., who are investigating NWLF activity must be assumed to be as capable as we at analyzing public information.

Overall we don't feel that our criticisms in Dragon 9 have been answered with sound analysis. The criticisms stand with these additions. PIR-1 in its statement apparently referred to subjects they chose not to discuss fully in public. They allude to "security problems" we've supposedly created for the Front. It is obvious that we cannot respond to these accusations; it is clear that in a public statement, discussions should be confined to public information. Nebulous allusions of this sort are confusing and can only add to rampant speculation. They serve no positive purpose.

In "A Sad Duty", PIR-1 compared us to pigs, said we asked the same questions as the pigs, said we were useful to the pigs four times. Pig-baiting is a most disgusting and divisive tool. When used by an organization closely linked with the underground, it takes on added significance: it becomes dangerous. For this we call for severe self-criticism from the NWLF.

Central Command in their open letter make a call for unity while they continue to draw in their lines of ideological correctness to a point where all but PIR-1 and an undefined group of "poor/working people" are excluded. On the spectrum of political reality in this country, in the world, this sort of correct line-ism, while nothing new to the left, is inexcusable and politically suicidal for any of us. In their own words, the NWLF's call for unity, "rings hollow and false in our ears" and we urge extreme political re-evaluation.

- barc

THOUGHTS ON DRAGON 9 AND TUG 3

I have read Dragon #9 and Tug 3 both carefully a couple of times. There are definately some good points in both & some bad. The issue of homosexuality & feminism are very controversial &ones that require careful consideration. To say that you are involved in the People's Struggle and ignore them would be impossible. But to say that involvement in the feminist and/or gay movements by itself makes one a revolutionary by itself is also impossible. This is like the misconception that all prisoners are revolutionaries. While I feel that all of us are political prisoners because the amerikan judiciary dispenses justice strictly on a class level, it is impossible for me to condone certain acts such as baby-raping etc. as revolutionary crimes.

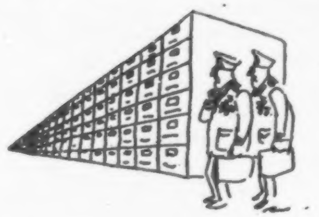
The myth of the political aware prisoner is one of the most exploited in the struggle. How can anyone who has 3 or 4 good hustles & is having their family send them part of their wages, welfare or whatever, so they can live in luxury behind walls even be considered politically involved. Don't get me wrong, when I'm not in Max I keep myself in smokes, coffee and necessities but if I get a little ahead, I send a buck or two to support units or defense funds or at least put it to use in the struggle. But for a prisoner to expect support from the struggle without giving, however possible, support to the struggle is wrong.

The same is true for feminists or gays. To set themselves apart as distinct seperate units promotes strife. The very system which we oppose has raised us with a macho attitude which we have to overcome. It has also raised us to look askance at homosexuals but to overcome these attitudes we have to work in close harmony with members of these groups in order to understand them. But again let me clarify, I'm not saying embrace anyone because they are gay or female, but let their political beliefs and actions speak for themselves. No one will ever make me believe that a man-hating, ball-busting lesbian is a revolutionary but at the same time, no one will ever make me believe that Mizmoon, Camilla Hall & Susan Saxe aren't great examples of revolutionaries. The fact that a woman burns her bra doesn't make her my sister in struggle but I am convinced that Emily Harris, Bernadine Dohrn & Celia Sojourn (to name just a few) are. If one has doubts about gays&feminists, try integrating them into your group organization, etc. on a propation-type basis, if they are dedicated and sincere their deeds will speak for themselves and by the same token they will be willing to accept this type set-up in order to help you overcome your attitudes and hang-ups.

As for Ed Mead's suggestion "white revolutionaries organize along sexual lines,"(see Dragon # 9), while I'm sure it wasn't his intention that strikes too close to both sexism and racism for me. Let's all carefully analyze Cuba's revolution and see if we can't all agree that we can ALL fight side by side sucessfully. Or better yet, let's closely analyze our own struggle; we are fighting the capitalist's dollar which buys them power, media, fascist kourts, etc. We can't afford to exclude anyone from our ranks. If this is to be a People's Revolution it must be composed of all the People. Anyone who is oppressed needs our assistance, all oppressors are our our enemies. To quote George Jackson, "I identify with anyone who hates just one fascist."

I appeal to both NWLF and BARC, that while being of different opinions to some extent, not to let it create disunity. Comradly criticism is necessary but when we allow it to split us, it becomes an imperialist victory. We have too many enemies to fight among ourselves. As long as we are swept along in petty squabbles among ourselves, we will be considered a joke; only after we have united shall our full potential become known. Let's make Unity our watchword and Victory our goal.

If you will look back over the years, the reason we are no further along than we are today is because we have allowed snitches & agent provacateurs to keep us at each other's throats. How long do we intend to be disrupted this way? If you can't bring yourself to trust certain people, avoid contact with them but never ignore their cause. If someone doesn't embrace your cause, embrace their's as an example. Everyone has a tendency to believe that their contribution and sacrifice is greater than anyone elses. But if we all give the most we are capable of, this will be impossible. Let's not think i



"It does frighten one. It is the special file on dissenters."

lines of the women's movement, the gay movement, the poor movement, the black movement, the chicano movement, the Indian movement, the Puerto Rican movement etc. For all of these are good movements & while some of them may deserve priorities; who is qualified to judge? Let us only think of the People's Movement and then none can be left out or slighted. Or can we continue to argue over which deserves the most attention and the Tricentennial will see us still a few isolated groups at war with each other. The past is dead and can't be resurrected, let's learn from our mistakes and march on into the future. Who was right or wrong in 1975 will have very little influence on 1977. Eulogizing the dead or discrediting them serves no useful purpose. While we must remember & appreciate yesterday's sacrifices, we must plan & act on tomorrow. Again I say Unity, for United we are a force to be reckoned with; divided we are only a nuisance. Think about it. Let's make revolution a reality rather than a dream. ALL POWER TO ALL THE PEOPLE !!

Solidarity in struggle

Jim Parker #47910
818 Jefferson Ave.
West Virginia State Prison
Moundsville, West VA. 26041

* * *

[This subsequent response was in reply to a letter we sent discussing Jim's article.]

...Now, if I may, I'd like to explain (not defend) the things you criticized about my statement. First, the term "man-hating, ball-busting lesbians". While this term may have been used in the wrong context, what I was trying to get across was that the lesbians who have absolutely no contact or use for men are not revolutionaries just because they are gay. I didn't mean to use the term as applying to all lesbians or to imply that I resented women being strong and independent.

About the trial basis use of gays and feminists--while this does reek of tokenism, I recommend this only as the last alternative for people who can't bring themselves to relate to or trust gays and feminists. I'll agree that it's not a very good alternative, but I feel it's better than total exclusion. The whole problem involves overcoming class induced attitudes and while I think everyone is in complete agreement they must be overcome, most people are at a loss on how to overcome them. I only used that as an example on ways to overcome them. Actually I feel everyone accepted in a group (gay, feminist, white black, etc) should be strictly on a probationary basis. It would help weed out the provacateurs and snitches. The very idea that someone's sex or color affects their political beliefs is ridiculous to me.

Jim Parker

and moving right along...

After reading the response to the NWLF statement re: Feminism and Homosexuality in Dragon #9, its evident that these are questions that certainly needed to be raised and struggled with to give us all a clearer perspective, whether you agree or disagree with their statement.

I've noticed that nothing will cause such a shit storm as criticism of feminism, or analysis of negative, reactionary trends in that movement and that a woman waving the feminist-lesbian banner can say most anything she wants, no matter how incorrect without any criticism whatsoever. This was brought home to me sharply when Susan Saxe pled guilty for a "deal" in federal court and issued a statement on June 9, 1975(parts of which were printed in the women's issue of Dragon). The gross contradictions and obvious Bullshit all thru the entire statement was incredible, but even more incredible was that otherwise aware people such as Barc would print that statement without one word of criticism. Why? ! And the same for its readers, where was the "objective analysis" of the most insulting, blatant, Bullshit ever printed in Dragon? Certainly she is a Sister who has made some righteous Revolutionary moves and deserves all the help and support we can give her. But lesbian-feminist revolutionary or not, none of us are above criticism. yet because of that, otherwise aware, analytical people were totally blinded. For those who don't understand what I'm talking about, I urge you to read, or re-read that statement and it should be clear.

Both Emily, and [illegible]

lective wrote excellent letters defining themselves, and what feminism-lesbianism means to them, and how they live it. I only wish there were millions more, but as they themselves said, they were mainly dealing with what feminism Should be, or possibly Could be, not what it Is, right now. Even "Redstockings" agrees that the women's movement on the whole has been taken over by liberal reformists--most particularly white middle and upper-middle class women: women who have managed to divert and co-opt one of the most vital, strategic movements in the U.S. It's a fact that should be looked at and dealt with. I've never seen any evidence that the NWLF is sexist--on the contrary--nor did they make a blanket statement that feminism was reactionary, but merely examined (briefly) some aspects and trends that certainly Are. I can't see any revolutionary group ever going back to macho sexism, or who wouldn't want righteous, Free, Aware, Strong Women who can think, act and move with the very Best. I think thats been proven positively--that women are and can be, besides the fact that they comprise much of the revolutionary Vanguard. The days of pushing women off in the corner are over, and that's as it should be. It's made us all freer, more effective and stronger, but we can't allow that facet (feminism) to divert or divide us. Many radical feminist-separatists wish or think they can build a revolution around that issue alone. While it very often does bring women to a total awareness of class revolution, it's not revolutionary in itself. Yet it is, and should be, a strong facet of the totally revolutionary woman.

Which brings me to another point. I read often from diverse feminist writings about "Every movement for women's rights has been diverted into other struggles which appear more urgent at the time. We can't let this happen again." I can understand that from a historical perspective, but I think a clear look and close analysis of what's happening Right Now, right here in the U.S. will show that there's no parallel in history. Consider women's position at the time of the Russion Revolution, or at the time of the Chinese Revolution, or our own women's movement here at the beginning of the century. There's absolutely no comparison. The masses of women in the U.S. right now are awake and aware, and there's no way they'll go back no matter whether they're moderate, reformist, or revolutionary. Revolution comes at a time in the U.S. like no other country before it. The revolutionary movement here doesn't "divert" feminism, or say "put that aside until after the revolution." It's an integral, important asset to our revolution; it's not one against the other--it's One. None of us, women or men, can be Free under this system--it ll take a long, hard struggle and total Revolution to Win. Therefore, we need a total perspective. Not one narrow (but vital) aspect. No one would ask women to throw away their self-awareness, nor stop struggling against their own particular oppression. There's no contradiction there, we're fighting All forms of oppression.

Concerning homosexuality, I'm not very aware of what it is out there now to comment. However, in the prison environment, I've found with a few exceptions that they have far more serious and dangerous character defects than "normal" prisoners. Altho, as I said, I do know a few who I trust and respect. And I definitely wouldn't trust an overt role player, i. e.; a man dressed like a woman, limp wristed and swishin, nor a supposedly "Woman identified Woman" bull dyke, dressed, acting and lookin like a macho man. If they're playin that role chances are good their whole thing is a bullshit role. By the same token, I know some truly Beautiful revolutionary women, who shared a very special love, and the physical aspect was quite natural and beautiful. Altho they weren't/aren't "lesbians" in the strict sense of the word.

Also, while it is very important to look to, and learn from the poor/working class, I've found thru extensive experience that at least to begin with, people relate to and move from their own oppression, and except for the very rich, it's not hard to show anyone, from whatever strata in this system, the very real oppression they live under--it's just wrapped in a different package. Then from there, once they've opened enough to see their own, they'll be able to see and relate to All people's oppression(just as what happens often in the women's movement, etc).

Concerning the NWLF Central Command--I think a lot of reaction from their statements was as much the manner of How they said it, as much as what they said. It hits many people as authoritarian "Commissars" pronouncing a dictate to the people. I would ask them to analyse this. It's an easy trap to fall into, and one that comrades underground who are moving and takin'care of business have to be vigilant of. Just as "Field Marshals" and "Generals" are Bullshit terms--we don't need that. But for those of you who would overly criticize or attack the NWLF--it wouldn't appear that there are any armchair generals in that spot. They are mostly writing from practical experience and revolutionary practice. They've learned by doing, criticized themselves, have struggled Hard, and done a lot, and have stayed Free for years. That says a whole lot in itself.

My special Love and Regards to the comrades in Seattle who are fighting the grand jury witch-hunt there and all comrades in struggle.

Resist in Freedom
Ken Como
July 9, 1976

* * *

Note: As with many articles in Dragon written by other folks, BARC doesn't necessarily agree with all positions expressed. We specifically reject the use of the expression "bull dyke" when used in a derogatory manner. Sexist, racist, and classist attitudes often appear in our language and we need to become more aware of how this oppresses other comrades.

--BARC

* * *

an open letter to central command, nwlf

Dear brothers and sisters,

Tug #3 has finally clarified the core of your attitudes towards gaypersons. In reading your original statement, I thought you had incorrectly assumed that womanpersons and gaypersons were demanding that everybody drop everything and concentrate exclusively on helping them end their oppression; while you were over-reacting by incorrectly demanding that they drop everything and concentrate exclusively on poorpersons. I also acquired the notion that you were trying to warn others of the dangers of reactionary behavior to the movement while you were [illegible].

Instead, I find you are totally unqualified to say anything about gaypeople because you know nothing about them. You never bothered to find out the truth. To state that "homosexual behavior is a reaction to concrete social conditions...and is directly tied to confusing, often painful experiences with the opposite sex" is a lie. To state "the most developed human behavior comes from the most socially developed countries" is a lie when applied to gaypeople: China kills them; the Soviet Union 'rehabilitates' them (when they're dumb or courageous enough to be found out); Cuba also denies their existance.

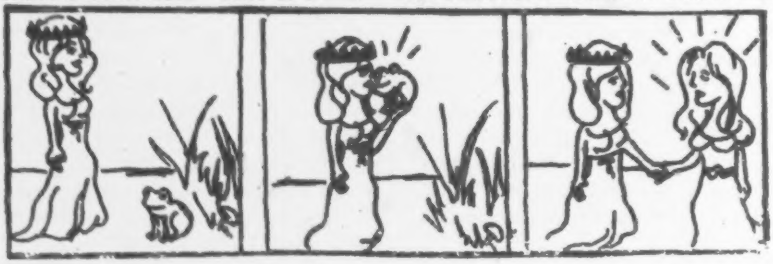
I assumed you knew a few fundamental facts, when the reality is that you don't see gaypeople as they really are. You see them as you 'feel' or 'believe' they are. Most 'feelings' and 'beliefs' originate in our pig upbringing and training. They are suspect. They need thorough examination and comparison with reality before they can be accepted as truth.

Anthropologists and historians have yet to find a human society where there is one exclusive form of sexual expression (i. e. all hetero, all homo, all anything). What they HAVE found is that all humans are sexual and, in the absence of repression or oppression, will express their sexuality across a broad spectrum.

In a face to face discussion with members of PIR-1, much ado was made over the fact that gaypersons don't know and therefore can't explain the "Why?" of their homosexual orientation. It is equally valid to ask *straightpersons* to explain why they have a heterosexual orientation. This is a misdirection and indicates that you have confused the origin of a person's sexual orientation with the origin of a person's oppression because of his/her sexual orientation. Many gaypersons get hung up in this misdirection for a while until the reality of their repression forces them to reconsider their plight and, based on that, their priorities. Getting to the roots of whether or not they're people, whether or not hetero's are justified in labelling them as crazy, as freaks, as people to be lined up and shot were correctly deemed as more important priorities.

Are they the products of our sick, imperialistic society? Emphatically no. Gays have been with us at least from the beginnings of humankind as far back as we can go.

Will they gradually disappear under a new humane socialistic order? Again, no. The overwhelming evidence of history, anthropology, *sociology* and sexual research indicates that a successful cultural revolution would most



kely result in the freeing and nrichment of the people through he acknowledgement and teaching f the realities that surround sexulity and sexual expression.

NOBODY knows just exactly what actors determine a given indivilual's sexual orientation. What IS nown is that it is determined long efore he/she is capable of having ither painful or confusing sexual xperiences: before the age of ive, in fact. It is also KNOWN hat a person's basic sexual orienation is not subject to change hrough either subjective (inner) ttempts on the part of the indivilual or through outside Establishnent influences. The only thing hat changes is the outward expression or non-expression of a proscribed behavior.

Poor/workingpeople are not as mythified about gayness as you think; they show more curiosity than revulsion when talking about gaypeople or the concept of same sex love; and so are their reactions when they meet a 'real live' one. They tend to live and let live and don't indulge in the priviledged class game of 'some of my best queers are friends', either. Insecure Middleamerika peti-bourgeois who are neither too poor and oppressed to understand nor rich enough to not give a damn are the ones who have faints and fits over gaypeople. They do the Enemies dirty work (always have), and one piece of shitwork is to enforce and reinforce the heterosexist nuclear/consumer family that is essential for the continuation of capitalist imperialism by any means necessary, including the oppression of women and the elimination of other than heterosexual expression.

"But what about...?" I'm sure by now you've started to wonder about the contradictions, seeming contradictions and contradictory situations that either you or other comrades have noticed, experienced, commented on, or speculated about.

"What about prison? A lot of people turn gay while they're locked down. That doesn't jive with what you said about being bi or straight or gay by the time you're five." As I stated earlier, we are born sexual first and the rest comes after. I should also have added that only a small number of people are/have been/will be exclusively straight or gay.

Most fall on a broad spectrum in-between. When your're locked down, you're docked down with a lot of other people. Solidarity against the pigs generates love as well as anger, and an intimate relation between two men or women can be more than "simple" sexual relief or dominant/submissive behavior: it can also be mutual like and respect carried to its logical and ultimate conclusion. For some, it is an acknowledgement/discovery that they are, indeed, gay. But prisonpeople who weren't (b)latently gay before they were locked down will eventually return to their basic sexual orientation when they're back out.

"What about the military?" There's less than you think and more than the Enemy would like. Militarypersons have more freedom of access to sexuality unless they're under prolonged combat conditions and then what I just pointed out in reference to prisonpeople holds true, too. Especially when you and your buddy share the same tent and a lot of time saving each others asses. A similar things happens with revolutionary-persons.

"What about the manhating/fearing dykes and the womanhating/fearing faggots?" Yes, they do exist: their sexual orientation is their primary identity. The majority of gaypeople see themselves as people first, possessing a genitally determined sex second, and as of a given sexual orientation, third. But the heterosexual determinism of our society and all the repression and shackles that go with it forces them to protect the gay part of themselves. From protecting that part, it is only a short step to seeing themselves as only that part instead of seeing that part as a part of a whole. Until they can consciously denounce the idiocy of religion and law and affirm the gay part of themselves as a facet of the gem of their personhood they cannot step forth into a fuller reality. The manhater/fearer and womanhater/fearers are small but vociferous. Their extreme attitudes are so obvious that the establishment uses them to confuse everybody about the first majority.

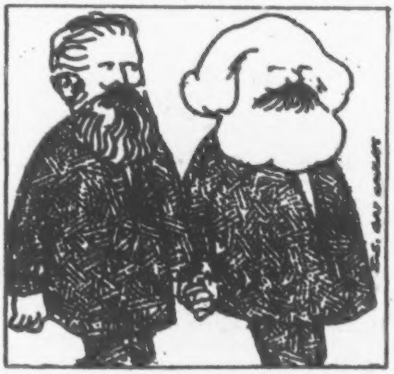
You must see gaypeople as people: you must the sex out of the homosexual stereotype you've built. This is what they're fighting for because until they can remove the legal and social stigma that's been dyed and wheatpasted all over them, until they can walk down any street in USNA hand in hand without automatically winding up in jail they cannot function very effectively in any movement other than their own. Unless they refuse to be bought out and choose to fight instead. Many have chosen the latter and many are following the example of the first to "come out". That's why you see gay contigents like Bay Area Gay Liberation (BAGL), Gay Latinos (GALA), Gay American Indians and the June 28 Coalition working on and demonstarting around July 4, Palestinian Self-determination, Independence for Puerto Rico and many others. They were there. The unbought. The strong ones who have a broader perspective.

As with any oppressed people, the beginnings of their self appreciation and self-worth were also the beginnings of both gaypeople and womanpeople's ties with a wider political consciousness. This dyke's evolution to revolution is not uncommon and might serve as an example: my dad told me about the fall of the unions to their leaders by default. In the Aerospace Workers I learned the reality of how to dehumanize from both bosses--Uncle Boeing and Big Daddy Union. When my braver sisters made me free enough to find out for sure how I felt towards women, I found out and it wasn't the end of the world. I found out that gays aren't going to make it by themselves. I found out women aren't going to make it by themselves. I found out nobody can make it by themselves. I found out we aren't going to make a peaceful transition.

These are some of the most basic things gaypeople and womanpeople have learned about themselves and their oppression. This is new, valid information you haven't had before. Please use it to deepen your understanding of these people.

Freedom through truth!
Dyke Daughter of a CIO Organizer

Reading list:
Lesbian/Woman, Del Martin & Phyllis Lyon
Sheila Rowbotham, Doris Lessing, Juliet Mitchell, Andrea Dworkin, Marge Piercy, Rita Mae Brown, and Kate Millet on the subject of feminism/socialism and gay/socialism.
Quest, a feminist quarterly-esp. the issues titled Money, Fame and Power, Processes of Change, Revolution.
Issues in Radical Therapy-esp. issues on Lesbianism and special issue on Power, Winter '75.



O.K.A.

A POINT OF CLARIFICATION

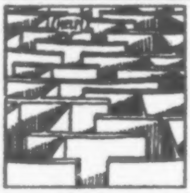
Some of you have asked us about literature you've recieved from "O. K. A.". We'd like to make it clear that O. K. A. is not part of BARC or part of Dragon, but is however, using our post office box address (with our permission).

We realize this is a confusing situation, but would ask comrades to note the distinction between O. K. A. and BARC, and to address all questions, feedback, and criticism to O. K. A.

KNOW THE ENEMY
and know yourself;
in 100 battles
you will never
be imperiled.
sun tzu

recon

Monthly newsletter on military affairs: Pentagon Planning, Strategy & Tactics, GI Movement, 3rd World Struggles, CBW. $3/year for movement and GIs, $10/year for institutions and sustainers to RECON, P.O. Box 14602, Phila.,PA 19134.



FOLKS--

You may have noticed that Dragons aren't showing up very regularly in your bookstores and mailboxes, that we've slowed down somewhat. Those of you in correspondence with us may have noticed delays in our responses to your letters. The truth is that we've had to slow down; we just can't get to everything that we have to do. Some members of the collective have money-making jobs--necessary for our indivudual and organizational survival. Others put full time efforts into the production of Dragon, keeping up with the mail, keeping on top of our political situation. We're all doing what we can. But please, if we don't answer your letters promtly, or we answer them tersely, it is because there is always more work than can be done.

Also, we have to make another pitch for donations. We are still turning out the paper on our trusty gestetner mimeograph. Printing 1500 copies of a forty or fifty page journal on a mimeograph is primitive if not insane. The drain in time and energy is enormous--printing, collating, stapling, folding and mailing all by hand. To have the thing printed will require a great deal more money--regularly--than we're now getting. Many of our readers are in prison, undoubtedly most are poor (we don't seem to appeal to rich folks), so any of you who can shoot us some extra bucks on a regular or irregular basis, please do! This is the only way we can have more time for that ultimate source of correct ideas--political and social practice.

Love,
BARC

DRAGON: 'Militant Reformism'

July 4, 1976

At a time when the left was close to collapse, due to its sheer authoritarian dreariness, the use of small-scale bombing has regained for it some attention.

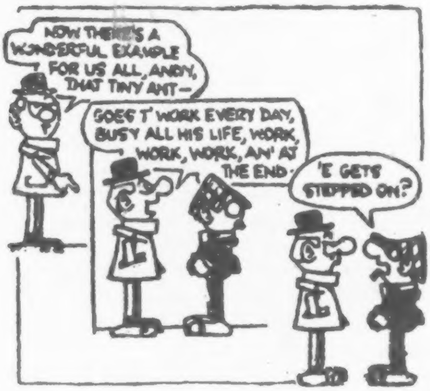
On the other hand, many of us feel the need to strike back against an insane world in the interests of our own sanity, and hence look for allies. Thus we have met, in person and in the pages of Dragon, people who have restrained their criticisms of the prevailing leftists. Respect for militant actions has tended to diminish critical thought. But at the same time, the violent dissatisfaction that is felt against all oppression brings forth deeper and more explicit criticism of all hierarchical groups, including "radical" ones.

What has seemed to dominate Dragon is nothing more than a militant reformism, in the service of demands such as the lowering of PG&E rates a few pennies. Further, the reformists never act from their own misery, but claim, in true vanguard fashion, to speak for the starving masses (of which America is unfortunately a little short). In fact, even this may be stating their case to generously: is the (largely symbolic) bombing of a Safeway market, in order to advance one trade union over another, even significantly reformist?

The latest issue of Osawatomie (June-July), dedicated to Cuba (where political and sexual dissidents are imprisoned), conveniently reveals the anti-revolutionary in a single sentence, which exhorts us, "as did Ho Chi Minh," to "apply the radiant sun of Marxism-Leninism." This is no doubt the same "radiant sun" which saw to the slaughter of the

Kronstadt soviet in 1921, when a free, anti-authoritarian communism was proclaimed there, which disarmed and betrayed the Shanghai proletariat in 1927, which murdered the Hungarian revolutionaries in 1956, etc., etc. The elitism and opportunism of marxist-leninism could fill volumes with its crimes against freedom. As for Ho Chi Minh, whose friends now preside over the bureaucratic-totalitarian state of Viet Nam, we recall his infamy in crushing the Saigon insurrection of 1945 and the peasant uprising of 1956.

Though the would-be commisars of the left prefer to remain ignorant of the real opposition developing in the U.S. against capitalism--the revolt against work (sabotage, absenteeism, turnover, anti-unionism, wildcats), the growing refusal to vote, diminishing respect for property (rising anti-corporation sentiment, vandalism), mounting hatred of school, etc. --the coming crisis is evident in the daily papers (not to mention the worried reports of insurance institutes, 'think tanks,' and official agencies). What they likewise wish to ignore is the general desire for an end to all aspects of oppression: parties, ideologies, leaders, governments, wage-labor, to name a few basics.

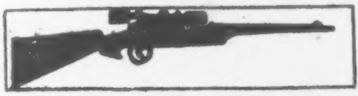

NOW THERE'S A WONDERFUL EXAMPLE FOR US ALL, ANDY, THAT TINY ANT—
GOES T' WORK EVERY DAY, BUSY ALL HIS LIFE, WORK, WORK, WORK, AN' AT THE END.
'E GETS STEPPED ON?

"Go ahead. PUT your faith in the American people!"

For us, only acts based on our desires for an end to all restraints, expressing the whole of the problem, will enable us finally to breathe like human beings.

(correspondence welcomed)
UPSHOT
P. O. Box 40256
San Francisco, CA.
94110

ARMED STRUGGLE — REVOLUTIONARY VANGUARD?



Being in Philadelphia; land of Frank Rizzo and "the Drummer" (the alternative paper that makes the Berkeley Barb look like "Le Socialiste"), I find Dragon is my only source of news of the urban guerilla/underground struggle in this country. Thanks to all who keep it going; writers, correspondents, revolutionary fighters, all who contribute in the spirit of criticism and furthering the growth of a theoretical and practical political struggle.

I write specifically in response to and questioning of the unfinished draft of Bruce Seidel's (see Dragon 8). The forces that murdered Bruce cannot erase his strength, the effect he surely had on the comrades he fought with and those who read his clear words even now.

My questioning concerns the stated belief that all forms of revolutionary struggle are developed around the axis of armed struggle. The study I have done of Marxist/Leninist thought, the actions I practice come from the understanding that all forms of struggle are equally as important to the furthering of the revolution.

Different stages of revolutionary struggle deem different tactics and forms necessary in the promotion of capitalism's inevitable defeat. All movements toward revolution must be used- each by those suited most to the specific tactic/skill/action. This basic Marxist requisite Seidel recognizes but then he promotes armed struggle. I shudder to think that those comrades involved in armed struggle see themselves as the vanguard--because realistically, publicly they are not. No one is paving 'the path to the final defeat of imperialism; the building of socialism.'

I write in sincere hope that someone will respond to my seemingly simple argument. For sure, it is not a new one--but still one I feel has not been satisfactorily answered or dealt with by those of us (strengthened and educated not only by our lives and shared experiences, but also study and belief in the fundamentals of Marxism) involved in class struggle in any of its many forms.

In Unity,
Deb

SEATTLE

news update, grand jury resistance, the brigade

In the last issue of Dragon we printed an article on the events surrounding the arrests and trials of Ed Mead and Mark Cook and the Seattle investigations of the George Jackson Brigade and Seattle's radical community (Dragon #9, 'Seattle Under Attack,' pg. 43). For the most part the information in that article was taken from the Seattle Post-Intelligencer, a straight daily paper. We have witnessed again and again the lies, distortions and inaccuracies of the straight media, but used information from the Seattle P-I because we felt it was important to let people know what was happening in Seattle and we had almost no other information available to us at that time. Our most serious error was in not naming our source; that is, not warning our readers that our information came from the straight press. Since that time, we've received feedback and more accurate information from folks in Seattle -- we hope this input will continue and increase.

Several incorrect statements contained in Dragon #9 have been pointed out to us. Briefly, they are: We said that four women subpoenaed before the Seattle grand jury (Katie Mitchell, Kathy Hubenet, Brenda Carter, Michelle Whitnack) had all worked at the Left Bank Bookstore in Seattle.
CORRECTION: Kathy Hubenet never worked at Left Bank, and had not lived in the women's house raided by the A. T. F. for several months before the raid.
CLARIFICATION: The May 19th demonstration in Seattle was not a demo against misuse of the grand jury in issuing conspiracy indictments against Mark Cook, Ed Mead and John Sherman, but rather a demo in support of those refusing to talk to the grand jury.
ALSO: Brenda Carter's statement to the grand jury was not primarily a condemnation of grand jury violation of constitutional rights; the point she was making was the grand jury's function as a protector of the status quo, and as a tool for stopping people dedicated to radical change.

Hopefully the following article will clarify any other inaccuracies printed in Dragon #9.

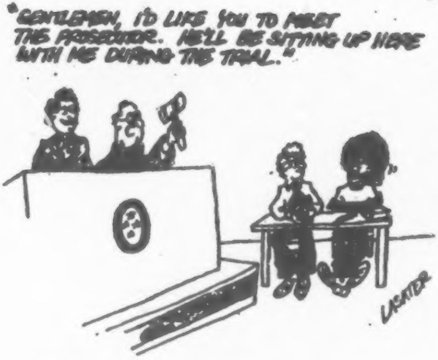
GEORGE JACKSON BRIGADE: TUKWILA BANK ROBBERY AND SUBSEQUENT EVENTS

JAN. 23, 1976:	GJB makes an unsuccessful attempt to rob a Tukwila, Wash. bank. Bruce Seidel is killed by police; Ed Mead and John Sherman are captured.
MARCH 10:	John Sherman escapes with the help of a comrade; a guard is shot during the escape.
MARCH 12:	Mark Cook (not a Brigade member) is arrested at his home.
APRIL 22:	Ed Mead is convicted of the Tukwila bank robbery, aiding in the robbery and using a firearm during the robbery.
AUG. 6:	Ed Mead is convicted on federal charges of participating in the Tukwila bank robbery and in the escape of John Sherman. Mark Cook is convicted on the same charges; they each get 25 yrs. for bank robbery, plus 5 years on related weapons charges. In addition, Mark is given another 5 yrs. for a conspiracy charge that included involvement in Sherman's escape.

* * *

For reasons of space, we can't run down the details of Ed and Mark's trials. It's clear, however, that neither man was able to present an adequate defense -- as in most political trials, the judges and prosecutors worked hand-in-hand to severely limit the defenses' ability to present their case, and in Mark's case used paid informants to strengthen the government's frame-up.

Ed has identified himself as a member of the Brigade. His defense was insanity: he told the court that "Living in a racist, sexist and imperialist society has had a direct effect on my emotional development." The judge threw out the insanity defense after ruling that Ed had "failed to offer evidence of a mental defect or disease at the time of the robbery." (from the Seattle Post-Intelligencer). The judge also refused to allow parts of Ed's testimony, including testimony about Ed's childhood.


"GENTLEMEN, I'D LIKE YOU TO MEET THE PROSECUTOR. HE'LL BE SITTING UP HERE WITH ME DURING THE TRIAL."
LASATER

In Mark Cook's case, the prosecution used two known heroin addicts and two paid informants to bolster their case. "Eyewitnesses" were repeatedly shown pictures of Ed (they were unable to pick him out of a photo line-up), then later gave conflicting testimony at the trial.

"Both defense committee members and Mark Cook think he got less than a fair trial. It's not hard to understand why: the main witness against him was a heroin addict who received personal gain for his testimony, the key witness for the defense was not allowed to testify, two officers were taken off the case after they were unsuccessful in proving Cook's presence at the crimes, and eyewitness identification was spurious and contradictory." (Northwest Passage, July 19 - Aug. 8).

GRAND JURY RESISTANCE

An important part of the recent events in Seatlle has been the investigation of the radical community by the Bureau of Alcohol, Tobacco and Firearms (ATF) and the FBI by means of surveillance, raids on various houses and an active grand jury.

Michelle Whitnack has been in jail since July 20 for her refusal to cooperate with the Seattle grand jury. The state is now trying to frame her on charges that she was a "lookout" for the Jan. 1, 1976 Laurelhurst bombing claimed by the Brigade. Following are excerpts from a July 24 letter from Michelle.

* * * * * * * * * * * * * * * * * *

Compañeras y Compañeros,

Well, looks like the forces of evil are finally managing to get their act together here in Seattle. They convicted Ed Mead, as you know, of course; they convicted Mark Cook on a straight fabrication case -- a warning for anyone who slips into the naïvete of thinking innocence is any protection from the law; and they finally threw their first grand jury witness in jail Tuesday 7/20 (myself). In fact, they're making noises about pulling a frame-up on me, too -- for the bombing of the Laurelhurst substation: Hi, Mark.

I last saw [Ed Mead] on 7/6, while his federal trial was in progress. He was mostly tired of the charade and anxious to get it over with and get where he was going -- and, I suspect, depressed by the lack of friendly faces in the courtroom; the community is paranoid, not without reason, I guess. But Ed keeps fighting. Always has and, I suspect, always will.

I can't offer much information regarding Mark Cook, as he seems to be rather well under wraps. A reporter told me that he's in the men's half of the same jail I'm in now. His case is being appealed.

The other witnesses: no further moves by the gov't to recall the first four -- Jill [Kray], Mike [Withey], Peter [Lippman] or Joanne -- or Kathy [Hubenet], whose subpoena was dropped a while back. No move yet to recall Brenda [Carter], though the prosecutor tells her lawyers not to entertain illusions of being off the hook. Katie's [Mitchell] June 29 contempt hearing halted suddenly when the gov't "found" her fingerprints on file elsewhere -- as she had told them they would, and where... and their demand for handwriting was dropped when she stipulated ownership of a diary. Her relief was marred by the fact that she had already stored all her belongings and sent her son out of state for the duration. Mair (prosecutor) promises her a new subpoena, too.

The Left Bank folks -- Wayne [Parker], Helene [Ellenbogen] and Paul [Zilsel] are presently involved in litigation over the search of the apartment where the guns and stuff and themselves were seized (in "hot pursuit of a car thief... ? !?). Their subpoenas are in suspended animation until this issue is resolved in court.

[BARC NOTE: On June 20, the home of these three members of the Left Bank political collective was raided by 6 - 8 Seattle cops who ransacked the apartment and

seized personal property of the three, including their legally purchased and registered guns. The excuse for the raid was "pursuit of a car thief." Helene, Wayne and Paul were held at the police station where they were questioned by agents of the ATF. Grand jury subpoenas were issued for all three Left Bank'ers. An evidentiary hearing was held, and on Aug. 23-25 testimony to the effect that the search and seizures were illegal was presented. Wayne, Helene and Paul argued to have their subpoenas dropped and their property returned -- final arguements are scheduled for the 10th of September.]

My June 29 contempt hearing was also ground to a surprise halt when the extremely capricious and senile judge threw a small temper tantrum because the prosecutor had left him out of the fun of scheduling it. He ruled that I had to return to the grand jury before being jailed, giving me a three-week respite. I was subsequently resubpoenaed for 7/20 and succeeded in giving copies of a statement to the grand jurors in return for not forcing the marshals to physically remove me from the chamber. We then went into a "show-cause" hearing on my (as yet unspoken) refusal to give the handwriting and fingerprints and stand in a lineup, where we demanded the right to explain to the grand jurors why I was refusing. The judge shot us down and, after "not-sentencing" (no set term, so it's not a sentence) me to jail, informed us that this had been our contempt hearing-huh? - for which we were unprepared right then, and legally should have had 5 days to prepare for.

As the marshals moved to handcuff me, Laurie Raymond (a sister who [went] on trial 8/3 for cutting a fence at the Trident Nuclear Submarine Base, with two other women) stood up in the audience and began to shout at the court. Marshals jumped her as she approached me, and we were both physically dragged out and thrown into a holding tank -- she by the hair, I by the handcuffs. They subsequently took me to City Jail, spitting us up, and charged her with felony assault on a marshal (3 yrs./$5,000 max.). My lawyer, John Ziegler, got her PR'd that night, to my relief.

I refused booking prints and mug shots on my arrival here, and was thrown in a 6X6 cell alone in the section normally reserved for mental patients. Things began to look up, though, when they finally gave me a blanket, soap, toothbrush, etc. and something to read (and later, writing materials). I've since been moved in with other women, a vast improvement, though the jailers refuse to date to move me into the more "permanent" (less restrictive) cells, alternately explaining that I have a'bad attitude" and that I'm only here "temporarily" (i. e., "she'll talk").

[Because it was impossible to get a temporary restraining order before the scheduled line-up] ... I'm offered these three choices: participate in a lineup before a "witness" who has been shown my photo and I strongly suspect is being paid to finger me; refuse and have my refusal admitted as evidence of guilt in a trial if I'm charged; or be physically dragged in and disrupt the line-up, which will surely get me fingered by the "witness." Caught between a rock and a hard place, as it were. Mair obviously intends to make an example of me for future recalcitrant witnesses, as they did of Mark for future radical niggers.

Meanwhile, life goes on outside too: Laurie is struggling to support and care for our home (a big old house in the ghetto here, which we got only a week before I was jailed) and two kids, and arrange for same to be taken care of for the 1-1 and a half years we expect to both be in jail. Community people are coming through beautifully with work and emotional support, but after months of grand jury battles ours is a community with near-exhausted financial resources. Those who want, and are able to, offer us financial support [to contribute to the support of our home and kids], send to:

Deep Freeze Life Support
System, Ltd.
P. O. Box 12497
Seattle, WA. 98111

I would welcome correspondence from folks; I've been keeping my sanity by writing 10 hrs. a day. Send letters for me to:

Michelle Whitnack
Women's City Jail
Public Safety Bldg.
Third and James
Seattle, WA. 98104

Folks up here are clearing out all the books they've already read from their libraries to donate to the jail library, and anyone else is encouraged to do likewise, if the 4th Class postage rates are still within poor peoples' reach. Books are best sent to: Pacem House
331 17th Ave. East
Seattle, WA. 98112

NWLF: You act so fine, don't let the differences of maintaining security - and your myriad victories - go to your heads or isolate you. I didn't write a critique of the "F&H" position because Left Bank, Emily Harris and Ed Mead said it all better than I could. But if indeed, as PIR-1 alleges, "Central Command" has never erred, I fear for all you folks who I love so dearly: we learn from our mistakes, and I *don't* believe you've *ceased* to learn like all the rest of us. Don't become arrogant and self-satisfied in your continuing success, as the enemy would like us to -- or develop "blind followers" who only take orders and believe the leadership is always right, like *their* armies. My deepest love and support to you, as always.

GJB: I'm real glad that if the Feds are going to try and hang one of your actions on me, it was at least one of the real nice ones. (I *might* even be flattered were it coming from a different direction; but I guess I'd have to correct the misapprehension, anyway, in all conscience.) I have to cop that I think a part of the respect I recieve in here is due to a belief by some of the sisters that I *am* with you despite my protestations! Oh well... Thanks, Sherman, for the attempt to clear me/us. Course your word holds water like a sieve with the pigs, but the fact that you tried does not go unappreciated; and while there are always those who blame folks who take action for the pigs' reaction, don't be convinced by their shrillness that their shortsighted view is the general rule. You look a *whole* lot better from my perch today than you did ten months ago, and I trust you're getting better still as time goes on. My greetings and solidarity. I trust Ed's tail won't rot in jail too long. (As we all know, the judge is merciful...)

My love and warmest greetings to all our comrades above and underground.

Love & Struggle,
Michelle Whitnack

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It's clear from what we have heard and read that there are divisions among Seattle leftists over support for armed struggle and more specifically, support for the George Jackson Brigade. However, organized resistance to pig and grand jury harrassment of the community has been strong: apparently people have not allowed political differences to create divisions into which the government can drive its wedge of repression to permanently split apart and destroy the movement. We stand by our support for armed struggle and the Brigade, and we send our love and support to all members of the Seattle community in their fight against the disruption of their lives and their struggle against the grand jury, the government, and the institutions of sexism, racism, capitalism and imperialism in this country.

-- BARC

A NOTE TO SNAPDRAGON

From Ed Mead

[The following is a response to a criticism of the George Jackson Brigade which appeared in Dragon #9.]

Thank you for your criticism of the Brigade. Criticism is always more welcomed when it contains self examination, as yours did. A Local bookstore collective once said the Brigade was made up of "sincere revolutionaries", that's the nearest the left has ever come to giving them a positive word or crediting them as people. Your letter to the G. J. B. [George Jackson Brigade] is the first time anyone from Seattle's aboveground has ever even suggested the possibility of a failure to support or communicate with their underground counterparts. Unfortunately, as reflected by the recent blasts against the Brigade by the N. L. G., Morning Due, Northwest Passage, etc., your views are not widely shared by Seattle's political community. The Brigade, not the F. B. I., is now responsible for the current wave of F. B. I. repression. It's as if people were afraid to stop attacking the Brigade, lest they have to take a look at themselves.

I don't want to get deep off into the criminal irresponsibility of Seattle's aboveground movement, but would instead prefer to address the bulk of this response to the most important of the questions raised in your criticism. In doing so it should be noted that i do not speak for the George Jackson Brigade, but rather as an individual who has some knowledge of the circumstances surrounding the subject of your questions.

Your first three criticisms go without saying. Of course folks doing armed work should not be doing aboveground work at the same time, and visa versa. But there are gray areas, transition periods and the like, which sometimes make it difficult to achieve the perfect ideal. Money is one of the primary limitations on the degree of security an underground group can achieve. As far as your cautioning folks about not being guilt-tripped into doing dangerous work, i don't think that is really a problem. It has been my experience that one couldn't blast Seattle's left into disrupting their personal security and comfort, let alone guilt trip them into it. I've tried everything but force, and Bruce would not let me use that.

I can appreciate your cautioning Brigade members to watch out for careless, frivolous people, and to not let them get too close. But that's just rhetoric. The reality is that the left has given the Brigade little choice except to get its support from wherever it can. Words of caution not to catch a cold are of little comfort to someone you have just kicked out into the snow.

Difficult as it may be for much of left to believe, the Brigade is not so lacking in sophistication that they fail to realize information given to the press will promptly be in the hands of the police. Give these people a little credit, they have a better understanding of what the F. B. I. knows than you do. And there is certainly nothing wrong with making public information already in the hands of the pigs. On the one hand there are security considerations, and on the other is the need to educate. The two must be balanced. It may have been a mistake to detail the circumstances around the bank robbery, i can't say for a certainty. The information i gave at my trial was part of the trial strategy, it was necessary to show the jury we had a surrender plan, and in order to accomplish this it was necessary to demonstrate that other aspects of the robbery were carefully planned. The information given by the Brigade was in the form of a criticism of itself. It is important that the lessons of an action be taught. We gave the pigs nothing of importance in doing so. The real matters of security have never been mentioned, but there is no way you could know this. You just assume that we are stupid.

Lastly, you say you are not satisfied with the Brigade's reasons for robbing the bank. The reasons given were the need to survive and fight. Perhaps if circumstances behind the robbery were put in a proper context you could better appreciate the need for expropriation.

The first thing you must understand is that under ideal conditions the urban guerrilla is part of a self-contained unit. In addition to the needs of most folks for food, shelter and the like, the members of a combat unit have a need for expensive weapons and other equipment. One afternoon of target practice, for example, will cost up to fifty dollars, a good bomb attack generally runs about two hundred dollars, and so on. Being a professional revolutionary, which is what Lenin and George Jackson say these "special bodies of armed men" [sic] must be made up of, leaves little time for employment. Then too, some Brigade members, such as Bruce and myself, were fugitives and could not readily risk working, even if there were jobs available. Yet people still had the need for food in their bellys and wheels under their asses, plus much more.

The next question is where this support is to come from. Material support comes from one or more of three places, each of which has its special disadvantages. The urban guerrilla group can go directly to the people for support and shelter. The drawback of this option is that there are substantial security risks involved in dealing with non-politicized elements. Then too, the urban poor barely have enough for themselves, let alone enough to finance a small army. The second alternative is to draw material support from the aboveground left, that is of course if there existed a left willing to provide such support. The disadvantage of left support lies in the very real possibility of betrayal from the rear (opportunism being what it is). The last source of support lies in direct appropriation. The comcomitant disadvantage of this means of support is of course the possibility of death or capture.

The Brigade started out by basing itself in the urban poor and working for wages where possible. The one year plan was to have two support networks: one in the poor and one in the left. The idea was to maximize the benefits of each, while paying special attention to minimize their respective disadvantages. Carlos Marighela said "it is impossible for an urban guerrilla to subsist or survive without taking part in the battle of expropriation." The Brigade's aim was to postpone the battle for as long as possible.

But the best laid plans. . . . Nearly a year had past and the left hadn't given an inch. Instead they refused to print revolutionary communiques, denounced every action, and even petitioned and organized against the Brigade. At one point they demanded the group get out of town. Weather factions lead the attacks. The dream of harmonious development melted around them. Security in the base was weakening, poor people became disillusioned with the promise that it would all come together. These non-communists had risked their lives and starved their children in order to make the politics of Prairie Fire a reality. Their reward was a left who would not even back up their rhetoric with more rhetoric (encouragement was all that was really needed, the rest would have come naturally).

The Brigade moved into semi-isolation and, after one more plea to the left, toward total self-sufficiency. Contrary to popular belief, the Brigade did not rob the bank out of fun nor out of a desire to "betray and endanger" the left. And i am sorry to all the critics who complain the robbery was "untimely" and an"unecessary escalation" of the struggle. The only excuse i can offer for such unpardonably selfish conduct is the fact that we were confronted with only two options: Disband and leave our fugitive members to their own devices, leaving the work of building the armed front to the uncertain future; or to initiate the third alternative -- the battle of expropriation. The rent was due, the refrigerator near empty, our car was on its last legs, and equipment needs continued to grow. The choice could not be put off. We did what we had to do.

You argue that the pigs only lose the money temporarily, inasmuch as they get it all back in the end. This is true, but what you fail to observe is that between the time we steal it and they get it back several things have happened. We are fed, made secure, meet equipment needs, and are able to carry on the fight. Plus we gain valuable combat experience. It would have been preferable to wait, but we were not afforded the luxury of such an option. The Brigade gave the left a year within which to come

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to grips with the dialectical interdependence between its aboveground and underground fronts. But five years would not have been enough for those who do not really want revolution.

There is an old convict axiom that says never steal when you have to. The left forced the Brigade to violate this rule. The pigs shot Bruce, but Seattle's left set him up for the kill. But of course i'm just a little bitter, which isn't lessened by the fact that nearly six months after Tukwila the left still can't get off the Brigades's back. Even you, snapdragon, cannot fathom the simple logic of expropriation, so you condemn it out of ignorance.

Thanks again,

Ed 4/16/76

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While we're on the subject...

CRITICISM OF THE GEORGE JACKSON BRIGADE

We support the members of the George Jackson Brigade as people who consider themselves serious revolutionaries because we are all fighting a common enemy and must not reject our potential allies in that struggle. The Brigade's goal "to serve and educate the everyday person" (communique from the George Jackson Brigade, 9/18/75) is exemplary. To educate and raise each other's consciousness is one of the main functions of any active revolutionary. We recognize their individual and collective oppression, support their past organizing efforts within the prison movement and elsewhere, and accept the robbing of a bank as a means to finance revolutionary activities. Furthermore, we recognize the Brigade's efforts to grow using the process of self-criticism. In that spirit we support those efforts as revolutionaries and offer our own criticisms.

Our primary criticism of the Brigade is the apparent unavailability of information regarding their theory and practice. We recognize the necessity for secrecy, especially at this time of heightened police action, however, communication with the above-ground population is vitally important. Without that communication it is impossible to discern individualistic acts from planned revolutionary activities. Communications thus far have been incomplete as to purpose and goals of the actions.

It is irresponsible of the GJB to assume a vanguard position and chastise the community for not being as serious. Ed Mead's statement in the May 24th Northwest Passage, suggesting the Brigade will totally by-pass the left, appears to be an example of the attitude expressed in recent communications. Without knowing who we are supporting, it would be irresponsible to assume that the group willing to promote violent tactics, necessarily would be capable of leading the overthrow of the government or be able to rebuild the nation. If the Brigade wants support from the aboveground left, we must both struggle to establish communication which will work towards a common theoretical basis for action. The struggle should be made together, each action of any revolutionary indivdual or group complementing and building on other actions. The aboveground connot be expected to merely follow the lead of, or attempt to second guess, an underground cell.

The aforementioned interview with Ed Mead is an example of the kind of communication we need to facilitate our common struggles. It is the only instance thus far where the Brigade's motives and goals have begun to be discussed. However, we feel it was past due. In that particular interview it was unclear whether Ed Mead was expressing the collective political line of the GJB, whether he was expressing his own opinions, or whether the Brigade even makes that distinction.

It seems some of the Brigade's actions against Safeway were impulsive, rather than carefully planned in accord with conscious political theory. We say this because of the communique of Sept. 18, 1975: "We must transform our grief into righteous anger and our anger into direct action", and "the bombing was in retaliation for the capture of the four members of the SLA." Anger is important as an impetus for action, but the process has an intermediate step of theory which precedes action. A final analysis may then lead to refining the theory. Any revolutionary action whould be deeply seated in carefully thought out political theory, and not simply in anger.

We make this criticism out of love and support, and hope it leads to further growth in communication among us.

A Seattle Collective

New Dawn Infiltrated

Four members of the New Dawn Party were sentenced last Aug. 9th on federal charges of illegal possession and storage of explosive materials; Fred Salkind and Steve Scipes were given terms of five years each, Ellen Kesend two and one half years, and Janice Orson one and one half years (for a lesser charge of conspiring to move and store explosives). Fred, Steve, Ellen and Janice had pled guilty to the charges after the feds reduced them nine counts each, meaning a possible sentence of ninety years, to one count with a maximum of ten years.

The New Dawn Party, a Marxist-Leninist-Maoist group, had a storefront bookstore in Berkeley and published a newspaper, The People United. In the course of investigations done in preparation for the probation reports; it was revealed that Daniel Gregg Adornetto, known as Chepito, (a member of New Dawn who had taken a strong leadership position) was apparently an FBI informant, as was Judy Stevenson, the woman who owned the Richmond house where the explosives were found. Chepito, an ex-con with a long history of informing for narc busts had lied to members of New Dawn about his past activities and portrayed himself as a revolutionary "heavy" sucking them into his trip and their eventual bust. He was immediately separated from the others after the SWAT team raid (at the Richmond house), pled guilty and was given the maximum ten year sentence. Whether Chepito was double-crossed by his pig friends or is merely going to serve his time "on paper" remains unclear: his present whereabouts are unknown.

Members of New Dawn now serving time have received no support and little attention from the Bay Area left. Whether because of fear, mistrust or dislike of their politics and/or their (New Dawn's) support for armed struggle, their case has been largely ignored by other politicos. It's obvious that all members of New Dawn were not pigs or complete fools, and there are important lessons to be learned from their experience. Infiltration has always been a serious problem for leftists, and one we have not learned to deal with sucessfully. Since their arrest, Fred and Steve have been evaluating their experiences and mistakes and we hope to have an analysis from them in a future issue of Dragon.

MARYLAND PENITENTIARY INTERCOMMUNAL SURVIVAL COLLECTIVE

A dire situation exists in the Maryland Penitentiary. Official corruption in the institution, such as selling prisoner's woodshop products etc., even wholesaling food, and covering up the sale to realize personal profit, has been met with prisoner organizing. Prisoners there have organized strikes, slow-downs, sabotage& expropriations. Over the past two years, institution officials have decided to change their tactics from instigating riots to turning prisoner against prisoner for individual political assassinations. In most cases the asassins are even unaware that they are being used. For example, officials have used "legal" and "illegal" drug addiction to coerce prisoners into murder.

An organizing group with the pen, the Maryland Penitentiary Intercommunal Survival Collective has been working to politically educate the population and to channel activities to productive areas. We join the MPISC in urging progressive people to write or call protesting the situation there. They are especially interested in Baltimore-area groups investigating this increasingly perilous institution.

Mark A. Levin
Commisioner of Corrections
6413 Windsor Mill Rd.
Baltimore, MD. 21207

George Collins, Warden
Maryland Penitentiary
954 Forrest St.
Baltimore, MD. 21202
Phone: (301) 837-2135 Ext. 301

Please write and offer support to the men locked into this situation.

Thomas L. Gaither #115720
James Taylor #112900
954 Forrest St.
Baltimore, MD 21202

This information was provided by the MPISC; their statement is available from us.

News from Boston

Since our last Dragon was printed in June of 76, there has been some guerrilla activity in the Northeast. Most information we have on these actions has come from clippings from the straight press (Boston Globe et. al.). Such information is often from official a.k.a. FBI sources. Therefore we urge readers to correct any misinformation on our part and supply us with any alternative information available.

On April 22, the Sam Melville/ Jonathan Jackson Unit bombed the Suffolk County Courthouse in Massachusetts demanding an end to step classification at Walpole State prison and a reinstatement of outside observers at Walpole (as well as three other Mass. state prisons). On June 20, the Middlesex County Courthouse in Lowell, Mass. was bombed to reenforce the demands. These demands and actions were another part of a long struggle around Walpole which since '72 has seethed with strikes, riots, and organized and unorganized inmate rebellion.

Step classification calls for 3 forms of confinement; a medium security A-section, a maximum security B-section(with a 21 hour a day lock-up) and a maximum-maximum security B section

block 10 which features a 23 and one half hour a day lock up. This move was implemented in late 1974 as an attempt by prison officials to regain control over the institution. Civilian observers, a liberal enough plan to bring to light the barbarity of life at Walpole began in May of 73 and was stopped around the time step classification was instituted.

The fourth of July weekend in Boston left headline writers gasping for ink. On July 2 an Eastern airlines plane was bombed as it sat unoccupied at Boston's Logan airport. On the same night a National Guard truck at the Dorchester Armory was likewise destroyed. The Essex County Courthouse in New Buryport, Mass. was hit as was a post office in Seabrook New Hampshire. A variety of groups reportedly claimed these actions; "an unidentified militant group", the Palestinian Liberation Organization, some right-wing crank group calling itself the South Boston Defense League, and the Fred Hampton Unit which had previously claimed credit for a bombing on May 11 of a power co. in Maine. (see Dragon #9)

On the night of July 4th there was a bombing of a bank in Revere, Mass. by the Melville-Jackson Unit in solidarity with the mass movement for independence for Puerto Rico and the freeing of Gollazo, Lebron, Cordera, Miranda, and Flores (Puerto Rican nationalists who are the longest held political prisoners in the U. S. (This communique is available from BARC). Also on the 4th Anthony Aceto was busted after allegedly being followed by pigs from Maine to Massachusetts , getting involved in a high speed car chase, letting off two passengers, and found dazed and exhausted on the side of the road. Meanwhile up in Maine , Aceto's apartment was raided and Maine residents Everett Carlson and Kathryn Strout were busted; Carlson on bomb charges and Strout for furnishing marijuana.

Subsequently Aceto was charged with a bunch of explosive related offenses and Richard C. Picariello and Edward Gullion, allegedly associates of Aceto had warrants out on them for explosive charges. It was then reported that Aceto was informing, stating in secret grand jury testimony that he knew the name of the Suffolk County bombers, gave details on the Eastern airlines and National Guard action, knew who made warning calls to the pigs. Aceto has since plead guilty to three counts of transporting explosives; the bombings at Dorchester, Logan Airport, the Essex County courthouse, the post office in New Hampshire, and intending to bomb Polaroid in Cambridge and the A&P regional headquarters in Boston. He will also appear as a prosecution witness against Carlson. For his collaberation, Aceto should serve no more than 5 years in a federal pen outside New England and will be given a new identity under the "Prisoner Protection Program", a gift from the Federal department of justice. Aceto is being held under very heavy security as befits a star witness.

On August 25 the Fred Hampton unit issued a communique concerning this situation. The kidnap attempt and expropriation they refer to in the beginning of their statement follows the typical FBI/police tactic of pinning any act they can think of on a guerrilla group currently in the news. The SLA busts of September/75 credited the comrades with almost every bombing, killing, or unsolved bank robbery of the past year in

California.

What follows is the Hampton communique no. 3 (which we had to edit for reasons of space. Copies of the complete communique availble from us.) We urge comrades to show their support for the Fred Hampton Unit and the Melville/Jackson Unit.

The Fred Hampton Unit, Richard Picariello and Edward Gullion were not involved in the August 12 kidnap attempt and assault on William J. McCun Jr., president of Polaroid Corporation.

Fred Hampton Unit, Picareillo and Gullion also were not involved in the expropriation of weapons at the Danvers National Guard armory.

We have documented evidence as proof that Picariello and Gullion were not together and were miles from where the attempted kidnapping incident occurred. We plan on sending the evidence to an attorney when we can safeguard against any possible leads.

The FBI and Polaroid Corp. fabricated the implication of Picariello and Gullion in the attempted kidnapping as a scheme to portray the FHU, Gullion and Picariello as dangerous terrorists to the public thereby creating an atmosphere of terrorist mystique around the two that would serve as a discrediting, subverting tactic and would justify the use of more FBI and police finances, resources against groups opposed to fascism, and the FBI could justifiably kill Picariello and Gullion.

The FBI and the state SWAT force were overheard giving out orders to kill Picariello and Gullion. The FBI reported to the press that the two were "heavily armed". It was known that they were not armed.

The FBI terrorized the friends and families of Picariello and Gullion; the FBI tapped the phones of their friends and families; they raided houses and ripped some apart; they treatened people with jail terms for not collaborating with the FBI; they assaulted people by sticking guns to their heads and in the stomach of one person; they confiscated personal belongings in the raids--many people are under surveillance and their mail has been tampered with. Reports have been made about possible FBI involvement in a house break-in. The FBI has offered people up to 5,000 dollars for information and to infiltrate political groups.

When institutions serve only governmental corporate interests and not the peoples' interests, when institutions serve to oppress people and people can't change them by peaceful, legal means--we feel it is the peoples' moral human right and obligation to smash these institutions'by any means necessary" in order to bring about a social change where the people will control the government and the means of production and to meet the needs of the people.

It is at this evolutionary point that we chose the method of armed struggle and we see ourselves as part of an impetus and catalyst to create disorder and finally the destruction of capitalist institutions.

Actions we have taken against the capitalist state are not acts of terrorism per-se. No people have been hurt by our actions. We believe our extreme actions is a requisite to countering, curtailing extreme conditions of governmental terrorism.

If we are call upon to take action against government oppression again, we will do so without the risk of anyone getting injured.

We don't deny the unit's involvement in the protest against the bicentennial celebration. We refrained from issuing communique no. 2 in retort to the bicent. celebration because of indictments We plan on distributing a letter or pamphlet with the contents of the communique covering a chronology of historical events of: 200 years of American genocide ranging from the genocide of the Indian people, slavery of black,neo-colonial and colonial control over countries such as Puerto Rico, the massacre of Ludlow, Pine Ridge, Kent State, Jackson State, Attica and all U. S. prisons, the genocide committed against the people of Vietnam, Laos, Cambodia, Korea, Dominican Republic, Latin America, Africa. Imperialism is the cause of human and ecological destruction. It exploits the labor of people and their natural resources in this country and countries around the workd, controlling them politically, economically and culturally. It has caused the starvation and deaths of millions of people. It has caused the wars and ecological destruction.

"You can kill a revolutionary, but you can't kill the revolution."

FRED HAMPTON UNIT

A NOTE TO DRAGON READERS --

We've had a number of requests for books, mostly from prisoners. Our personal and collective libraries can't meet the demand, so we're asking that folks who have good radical/revolutionary literature lying around serving no particular use send us whatever you can. In each issue of Dragon we'll print a list of currently available books. Anyone who wants a listed book can write to us and we'll send it off. It'll have to be done on a first come, first serve basis. Kindly address books and requests to:

Dale
BARC Literary Guild
P. O. Box 4344
Berkeley, CA. 94704

Please make requests for a book only after it's been listed as available. This will prevent the accumulation of mountains of paper to shuffle. We will try this book club on an experimental basis; any success depends on your help.

We do thank you,
Dale Barc

THE OPEN ROAD

"The Open Road is a newsjournal which is designed to reflect the spectrum of international anarchist and anti-authoritarian Left activities and to provide reports and analysis of popular struggles and social problems." It's great. Articles in the first issue include an interview with Martin Sostre, discussions of the George Jackson Brigade, the SLA, AIM, union organizing, info on struggles in Germany, Timor and lots more. Contributions welcome.

The Open Road
Box 6135, Station G
Vancouver, B.C., Canada

CALIFORNIA PRISONS:

ON TRIAL

On June 27, Joe Remiro and Russ Little were convicted of attempted escape and assault on two prison guards. During the month long trial, they exposed the viciousness of life behind the walls of California's prisons. They described the brutal reality of living in filthy, airless "strip cells", with constant threats and intimidation by prison officials, guard brutality, racial warfare, stabbings, murder and suicide. Remiro and Little, who conducted most of the defense as their own attorneys, did not deny that they tried to break out of the Alameda County Jail, but they explained that the escape attempt was triggered by their belief that their lives were in danger in the custody of the Dept. of Corrections.

The day after Little and Remiro were arrested in January 1974, they were taken to San Quentin's Death Row and kept there for a month. Late one night shortly after they arrived there, a goon squad of guards come to Remiro and Little's cells, chained them and took them for a midnight tour of the gas chamber. Remiro told the court: "The guards locked us in there and just laughed at us. They told us this is where we belong and where we would end up." After spending several nervous hours in the gas chamber, Remiro and Little were taken to Raymond Procunier's office (then, the Director of the Dept. of Corrections) and were offered a deal. If they would give information on the whereabouts of Patricia Hearst, Procunier would guarantee their safety. When they refused, Procunier warned them that they could either cooperate or die in prison.

In support of their defense against the prison system, Remiro and Little subpoenaed several convicts from California prisons to testify about plots by the administration to have them framed on charges and then killed in prison.

All six of the convict witnesses were chained and shacked during their testimony for "security" reasons, despite protests from the defense.

Albert Washington, an alleged member of the Black Liberation Army who was convicted last year along with two other black men of murdering two New York City policemen, said he began corresponding with Little and Remiro short-

THIS IS WILDERNESS TV, STATION WILD SERVING ALL THE FOREST DWELLERS. NOW FOR THE NEWS.
NEWS

ly after their arrest. At first, Washington said, they discussed politics in their letters, but soon after, when a black prisoner named Raymond Sparks was drugged, tortured and murdered by guards at Folsom prison in October 1974, Remiro wrote increasingly about threats on his life and on the lives of all prisoners considered militant by the CDC.

When a second group of prisoners arrived, along with them came thé largest security force ever used for a trial in the state of California. The San Jose Civic Center looked like a mini-Vietnam with at least 200 Sheriff's Deputies surrounding the area, dressed in battle fatigues and carrying machineguns. Five helicopters circled above, and heavily armed sharp-shooters stood guard on roof-tops with binoculars as far as a mile away. The heavy security was justified to the press by Undersheriff Tom Rosa, who claimed he heard "strong rumblings" that Remiro and Little and their witnesses were going to try and escape, possibly taking jurors as hostages. In the courtroom, the defense team was furious about the over-kill police state atmosphere and demanded a mistrial. The judge denied the motion.

The first prisoner led to the witness stand in chains that day was James "Doc" Holliday. Holliday was paroled last July from San Quentin after serving 14 years. Prison officials labelled Holliday as an organizer of the Black Guerrilla Family, a clandestine prison organization, and used that as an excuse to keep him locked down tight in maximum security. Holliday was again arrested last Novem-

GOOD NEWS FOR MANY FOREST FAMILIES AND FRIENDS TODAY AS 35 FIELD MICE, RABBITS AND BIRDS FROM THE 'ANIMAL TESTING AND RESEARCH LABORATORY' WERE EXCHANGED FOR TWO BACKPACKERS AND A DIRT-BIKER CAPTURED IN THE BIG RIVER GAME SANCTUARY.
NEWS
HUMANE SOCIETY MEMBERS OFFICIATED AT THE TRANSFER OF PRISONERS.
NEWS

ber in Los Angeles when a SWAT team literally grabbed him off the street. He and another ex-convict, Michael Cowens, are charged with murdering two people they say they never even heard of.

Holliday testified that prison authorities at San Quentin felt threatened by Little and Remiro's alliances with the black inmate population. "Most of the guards are afraid," he said. "These two white guys come to the prison and all their friends are black. That's a very rare situation inside, and the guards didn't know what to expect. That kind of racial unity is a threat to them, because racism is their best tool to keep the prisoners at war with each other. Since they couldn't turn the blacks against Russ and Joe, the guards started telling the whites that they were nigger-lovers--hoping the white people would kill them."

Another prisoner-witness was Elmer "Geronimo" Pratt, a former leader of the Southern California Black Panther Party and reported member of the Black Liberation Army. Pratt said the FBI visited him several times in prison. They offered him half a million dollars, release from prison and safe passage to Algeria or anywhere he wanted to go in exchange for information about Hearst and Bill and Emily Harris.

"They said they thought the BLA was harboring the Harrises and Hearst," Pratt testified. "They told me if I was out on the streets they'd have no trouble finding the fugitives, because I supposedly had all the connections. So I just said, "Okay, then, let me out on the streets!"

Despite testimony about repeated death threats and attempts by the CDC to set up Little and Remiro, the jury found them guilty. The defense was hampered by court rulings which didn't allow them to use their fear of being murdered as a "legitimate" reason for the escape attempt. They are both back in state prison serving five to life on these charges and life for their conviction on the assassination of Marcus Foster. An appeal is being planned for their first conviction.

Trial Statements

Emily and Bill Harris

Emily:

. . . There were quite a few memorable events in this trial--memorable because of their blatant disregard for human rights. We sat here and listened to FBI agents describe their illegal entry into Bill's and my house in San Francisco--they broke the law and Judge Brandler, conceding the obvious, ruled the search was illegal. Then showing his infatuation with law enforcement--the theory that they could do no wrong--he did a total flip-flop to rule that the search was legal, although even he could offer no rationale. The effects of this bit of weak will on the part of Brandler are broad-reaching for all of us because what his decision means in essence is that law enforcement need no longer be concerned with the rights of an individual to the privacy of her own home. *

Another time, bowing to the pressure of law enforcement, Brandler refused to remove this trial from the cage we are now in, which is half prison and half courtroom. His justification this time was a crank letter sent to Police Chief Ed Davis from a woman with a reputation for writing crank letters. Words in a letter are considered dangerous enough to require bullet-proof glass. Yet for all the sheriff's concern for security, they did not prevent a 1974 newspaper about the Patricia Hearst kidnaping from finding its way into our jury members' restroom. This bit of sabotage was considered so unimportant that it wasn't even removed until several hours after its presence had been reported due to the forgetfulness of the security personnel. The possibility that a juror had smuggled that paper in has been ignored by Judge Brandler who has stated repeatedly that it had no prejudicial effect on the jury. And to this date we still do not know how that newspaper found its way into the restroom, although it seems clear that only jurors, sheriff's deputies and courtroom personnel had access to that area.

Then later in talking to a concerned woman who had sat in this courtroom as a prospective juror, the defense found out about information this woman had passed on to Brandler through his bailiff weeks before. Her information concerned prejudicial remarks by a sitting juror and the construction of a model gallows by a prospective juror who then hung Bill and me in effigy. This was all tossed aside by our judge and ignored for three weeks until it worked its way to our attention. Then, in the public arena where it should have been aired in the first place, Brandler once again dismissed it as the hysteria of a woman and blamed her for not coming forward sooner. I ask you, who had the obligation to come forward sooner?

It was disgusting and pitiful in a strange way to see Brandler groping for a course of action to justify his irrationality. Brandler had been propelling Mayerson's case for him--suggesting possible theories and arguments, allowing him to try the Patricia Hearst kidnapping and the Hibernia bank robbery here in this court if Bill and I were to take the stand, allowing a tape recording in as evidence that could not be proved authentic--in essence closing off our ability to put on a defense since we could not hope to receive any of the protections that should have been guaranteed to us. Judge Brandler was ready to allow the prosecution to use the opportunity of Bill or I taking the stand as a fishing expedition for investigation into charges we may face in the future.

Ironically the mellowest aspect of this trial was the testimony of the so-called victims who understand perhaps better than anyone the motivations behind our escape from police under threat of losing our lives. One of these people, Tom Matthews, stated on the stand that even though he had spent 12 hours with us, he had not been kidnapped. Yet the jury found us guilty of kidnapping, undoubtedly following the degrading illogic of the prosecution's rape analogy--that if a woman is raped but starts to enjoy it, it's still a rape. I would like to ask Mr. Mayerson what woman has ever enjoyed a rape and if there was such a woman, what district attorney would prosecute the rapist? Tom and the others who inadvertently assisted in our escape, are not vengeful toward us just as we are not toward them...

Bill:

...I haven't really been looking forward to having to listen to the standard speech on american justice that we are probably going to hear in a few minutes from the judge. You see, I've already had a belly full of his brand of justice. And I'm not just talking about what many of you witnessed here in this courtroom. My first lethal dose of the american variety of justice came when I was off helping save us all from godless communism.

I learned all about the term "police action"--a 20th century euphemism for war--and a fitting term at that. It means the EXPORT for PROFIT of murder, rape and torture. For the Vietnamese it meant the Phoenix Program, more than 20,000 people murdered--or to use the CIA term, neutralized. And why did the masters of war decide all those people needed to die? It was for being suspected of belongling to the National Liberation Front, an organization of patriots. For many thousands more, it meant years of torture and imprisonment in the tiger cages of Con Son Island. Those who escaped the Phoenix hit teams still had to contend with the search and destroy operations--for them it meant My Lai--which was by no means an isolated incident. In warfare, forceable rape is about as common as violent death. But that doesn't even count forced prostitution. Nearly an entire female poplation was forced to trick or starve. I really don't think there are any reparations that can make up for that.

That's a little bit of the taste of american justice that we gave the Vietnamese...

I'VE JUST HAD SOME NEGATIVE FEEDBACK!
Hall
Washington Star Syndicate, Inc.

So I came home thinking it was up to me and others like me to explain what was really happening in Vietnam. Since the mass media was more concerned with pushing the government line than with digging for the truth, we went straight to the people. We formed an organization called Vietnam Veterans Against the War. Along with antiwar activities the movement included the struggle against racism and poverty. It became a battle against the disparity of class divisions that has afflicted this society throughout history. It was idealistic and non-violent with a focus on creating a better world. But the government has never been able to tolerate such idealism so it created a program for sabotage. The response to the student movements against the war and for civil rights was the killings at Kent State and Jackson State. The FBI's contribution was their now famous COINTEL PRO or counter-intelligence program. By disagreeing with the oppressive policies of the government we became targets for FBI and police intimidation and harassment. We began to learn a lot about paid informers, infiltrators and provacateurs. Conspiracy trials and witch-hunt federal grand juries became a common occurrence. What was even worse, if you fell into the category of "potential Black Messiah"

you could end up dead or if you were lucky just locked in a cage.

Well, like I said earlier, I'm not too impressed by this system of justice. I frankly don't think that this judge or these prosecutors would recognize real justice if it came up and bit 'em on the leg. In a few minutes the judge is going to sentence us to long prison terms, supposedly in accordance with law. We will probably explain that we are being sentenced because we have committed heinous anti-social acts. But any of you who sat through this circus of a trial know that this really isn't the case. We have offended the State, not the people. We are going to prison not because we are a threat or danger to the people of this society, but because our ideas are a threat to the way the present social order is organized. What we believe in is a threat to the extreme luxury and piggish comfort of an avaricious class of people who refuse to allow the rest of us the freedom of bettering our collective quality of life.

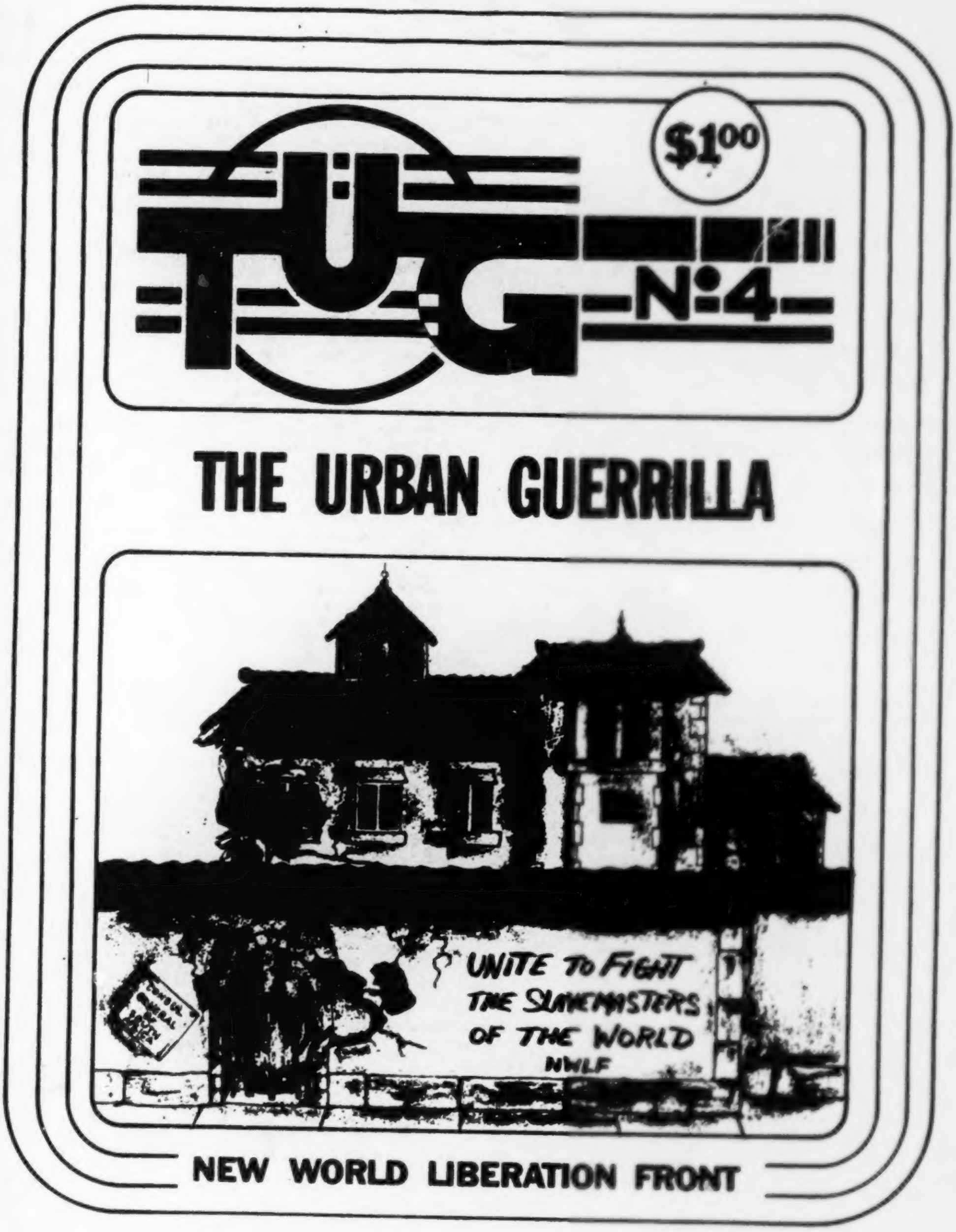
There's no point in going into the specifics of the types of sentences that poor folks and dissidents get because we're about to see a good example of it right here. So Judge, bring on the jugglers and dancing bears and let's get this charade of justice over with.

Bill and Emily Harris were sentenced to 11 years to life on charges of kidnapping, robbery and violations of the vehicle code. They now face charges in Berkeley for the kidnapping of Patricia Hearst and will be arrained here on the 22nd of September.

(Complete copies of these edited statements are available from BARC.)

Box 4344
Berkeley, CA.
94704

Exhibit B



$1.00

TUG

No 4

THE URBAN GUERRILLA

UNITE TO FIGHT
THE SLAVEMASTERS
OF THE WORLD
NWLF

NEW WORLD LIBERATION FRONT

TUG Nº4

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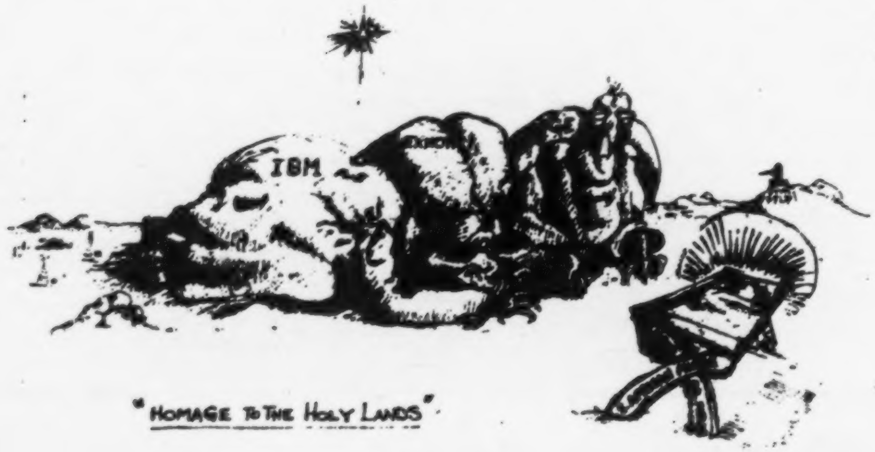
PEOPLES' FORCES
Lucio
Cabañas
Unit
NWLF

THE CORPORATE CAPITALIST HOLY LANDS

SOUTH AFRICA RHODESIA ISRAEL



"HOMAGE TO THE HOLY LANDS"

The racist warlord, superior-race mentality of the South African ruling class is no different than the racist, chosen-people mentality of the Zionists. There are no chosen or superior-race people on the face of this earth. These racist "masters" will have to either give-up this bullshit that divides people and sets up master races or die with their racist, Nazi, Zionist beliefs.

These decadent attitudes only serve the capitalist interests, keeping slaves working and grinding to our/their early graves for their "masters".

The media has not duped the American people into supporting racist South Africa and Rhodesia as they so successfully have with Israel... but they're working on it! They label black South African and Rhodesian freedom fighters the same as they do Palestinian comrades: TERRORISTS and they unquestionably adopt their racist South African/Rhodesian terms of "coloreds" and "homelands" (for black concentration camps).

Workers and students aren't massacred, they're "killed" in South Africa. The only ones who get "massacred" are the ruling class. Never does our government or the controlled media explain the issues in terms of class. They say it is black against white even as they show pictures of white students fighting arm-in-arm with blacks. It is an issue of haves against have-nots, of masters against slaves.

The cornerstone of the South African and Rhodesian death orders are the governments of the United States, Israel, England and France. Israel alone recently sent South Africa

2 warships equipped with 30 mile range sea-to-sea missles.

DEATH MERCHANTS

The American people are being lied to, through controlled media, to pay for another Corporate Vampire war (IBM, EXXON, G.E...) the same as Vietnam. It is butchery, loot and plunder in the names of justice, freedom and free enterprise. These corporate vampires are upholding the exclusive freedom and justice of the ruling class to loot and plunder; to feed their greed addiction with billions of more dollars of blood-money for their coffers. They are the bloodsuckers of humanity and they uphold the death-merchants of the world: Thieu and Ky (South Vietnam), Vorster (South Africa), Smith (Rhodesia), Park (South Korea), Eban (Israel), Duvalier (Haiti), Pinochet (Chile), Samoza (Nicaragua), etc.

We must unite and organize to combat these greedy death-merchants of humanity. We must study and know that the corporate mad-dogs who uphold these racist regimes live comfortably here in the United States - the belly of the beast! For easy recognition, these greedy, power-mad warmongers are the ruling class vampires who control the giant multi-national corporations.

CLASS STRUGGLE

The struggle we see, worldwide, is between the masters and the slaves, the haves and the have-nots. This is true in Latin America, the Mideast and Africa, as well as here in the belly of the ruling class beast who promotes this misery, suffering and butchery for money - to buy yet another yacht or mansion. Organize! Unite against these greedy, power-mad, parasitic, death-merchants of humanity! There is plenty for everybody! Toward good health, good housing, meaningful work and decent wages being a human right! These rights will not be ours unless we arm ourselves to take them. They will not be given! They never have been!

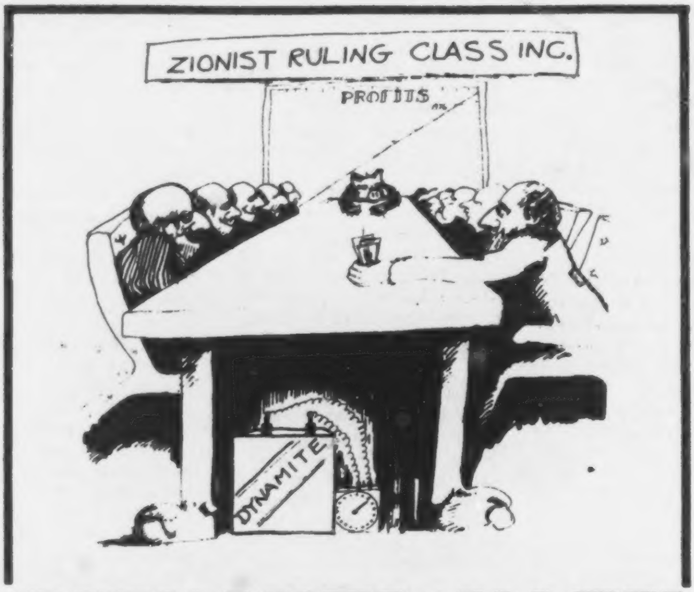
The ruling class are parasites who feed off the misery of poor/working people. The New World Liberation Front will serve the needs of the poor and oppressed by armed attack on the bloodsuckers of humanity until these "masters" of death are driven to their graves or stopped through some other means. A class war is toward a free, classless society that is controlled firmly by the people. ■

Toward Total Liberation!

COMMUNICATIONS
PIR NEWS SERVICE
NWLF

NO HIDING PLACE

On September 20th, the Lucio Cabanas Unit attacked the South African Consulate for the 2nd time. The media described the attack as "a powerful explosion" that did extensive structural damage to the building. PIR News Service sent reporters and a photographer to the site and they reported that the iron gate (shown propped back in position in the photo) was blown across the street, there was structural damage to the building and the foundation, and many broken windows throughout that ruling-class neighborhood. With the damage from the 1st attack unrepaired, the Consulate looks like it's in the center of a war zone. Neighbors reported that the Consul General was looking for other quarters. ■



REVOLUTIONARY JUSTICE

THE RAGE AND DETERMINATION OF OPPRESSED PEOPLE BOTH HERE AND AROUND THE WORLD CANNOT BE STOPPED.
WE WILL CONTINUE TO STRUGGLE AGAINST THE RULING CLASS UNTIL THEY ARE NO LONGER CAPABLE OF BLEEDING POOR PEOPLE.

If Rabin imposes the death penalty upon Palestinian freedom fighters, this will be met with swift revolutionary justice. We will retaliate against Zionist terrorism against Palestinian freedom fighters with swift action against the Jewish-American ruling class.

These Zionist ruling class pigs will not butcher poor people fighting for a just life without suffering drastic repercussions. The Jewish-American ruling class cannot protect themselves well enough for a sufficient amount of time. They should consider this carefully!

CONSIDER THIS

We will show the Jewish-American ruling class how extremely vulnerable they are, here in the belly of the beast. Their lives will be in grave jeopardy if mad-dog Rabin imposes this massacre on the Palestinian people.

Rabin's death threat to Palestinian freedom fighters would be the same as Ford and other ruling class Americans deciding to execute all Vietnamese "terrorists" (freedom fighters). Anyone engaged in armed combat against this "rich prey upon the poor" capitalist order is called a "terrorist" by these dogs but the Phoenix program which butchered 20,000 civilians in Vietnam and other programs like COINTELPRO are never called terrorism by the ruling class butchers who implement them, they refer to them as "operations".

Brutal "rich against the poor" butchery is what it is, here, in Vietnam, Chile, Brazil, Iran, Haiti, South Korea, etc.

MATTER OF TIME

It's only a matter of time before the American ruling class is exposed for assassinating John Kennedy. In their desperation over Cuban support in Angola and Cuba's position of growing strength in Latin America, the U. S. ruling class are trying to make the American people believe that Castro is responsible for Kennedy's murder. Another of their butchering lies! Kennedy was murdered by right-wing American ruling class forces for his stance on Cuba, Vietnam and civil rights.

Now they are putting out feelers to see if they can pit the American people against Castro/Cuba enough to go for another invasion of Cuba. These parasites fear another unpopular Vietnam-type war, and rightfully so!

The American people have their lying, ruling class, murdering asses pegged, regardless of all the lies they try to pass off on us. Jack Ruby was murdered in the Dallas County Jail by introducing cancer into his body shortly after he shot Oswald. E. Howard Hunt was involved in firing the fatal shots that killed Kennedy. Robert Kennedy was murdered by these same forces, as was Martin Luther King, as was Lamumba, as was Allende, as was Che Guevara, as was George Jackson, as was Fred Hampton, as was Bunchy Carter and as were/are so many Native Americans at Pine Ridge. The list of these butchering ruling class' murders is long, both here and world wide. LIVES ARE MORE VALUABLE THAN MONEY!

RULING CLASS PARASITE

The enemy of poor people around the world is the ruling class parasite (be they Jewish, Chicano, white, black, asian or native american) and the thugs who protect and promote this "rich prey on poor/working people order."

We call on all comrades to move directly against all Jewish-American ruling class bloodsuckers if Rabin moves to massacre freedom fighters! These ruling class dogs are influential both here and in Israel and are extremely vulnerable!

We must unite on all fronts to combat this barbaric aggression against poor people both here and around the world. The deranged ruling class parasites are void of any feeling for human suffering!! Why else would they hoard their stolen blood-money while poor people go hungry, suffer and die from bad medical care and live in death-trap housing?

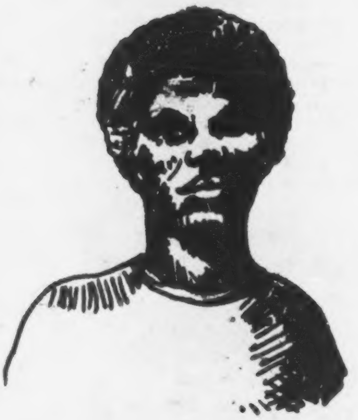
We must take a revolutionary stance against all the ruling class. These leeches who have no moral fibre in their being are ruled by greed and more greed at the expense of poor/working people.

A class war is toward a classless society is toward a just order!

Toward Total Liberation!

PEOPLE'S FORCES
Central Command
NWLF

CHARLES REEDER
IS A
SLAVE



WILL YOU FIGHT FOR HIS
LIBERATION?

COMMUNICATIONS
PIR-1
NWLF

CHARLES REEDER IS 21 YEARS OLD AND HAS ALREADY SPENT OVER SIX YEARS IN RULING CLASS DUNGEONS. IF HE HAS TO COMPLETE HIS PRESENT SENTENCE HE WILL NOT BE FREED UNTIL HE IS 50. CHARLES HAS BEEN SENTENCED TO A LIFE OF SLAVERY FOR THE CRIME OF BEING POOR.

Charles and his brothers and sisters were abandoned by their father at an early age because the strain of trying to support a large family at the bottom of this class society was too much for him. Ms. Reeder was a woman of steel who worked herself to exhaustion trying to feed and clothe her children. They didn't see her all that much, she was always working. She worked until she was sick. She worked while she was sick. She was an economic slave and the survival of her slave children was always in doubt. No money for doctors, not enough money for decent food or housing.

Charles fell into the first of many traps laid for him when he was 14. Breaking and entering gets you a year in a cage when you're poor, even if it's your first conviction and you're only 14. When he got out, Charles tried to get back in school but was refused because of his record. By the time he was 16 he was in a "youth center" for another breaking and entering.

Shortly after he was released, Charles discovered that each time the bloodsuckers of humanity convict you of breaking one of their laws they need less evidence for the next charge. When he was 17 he was charged with an armed robbery even though the witness twice insisted that he was not the man who had robbed him.

Attempts to obtain a confession by torture were unsuccessful so the police went to work on the witness and got him to change his story. Knowing they still didn't have much of a case, they tried to scare Charles into jumping bond with taunting remarks like: "We got you this time". Charles would not scare and so they revoked his bond the day the trial started and made him appear before the jury as a prisoner. He won anyway.

His victory was short lived. Within 2 weeks he was back in jail, charged with another armed robbery. This time the witnesses were more pliable and even the one later admitted they really weren't able to identify anyone, the police convinced them that Charles and another brother they didn't like were the ones. 2 complete strangers who had met for the first time at a police line-up would stand trial together for a crime they did not commit. In such fashion is the fate of the poor in this order decided.

FREE CHARLES REEDER

Charles Reeder Defense Committee
P.O. Box [illegible]
Salisbury, N.C. 28144

At what passed for a trial the government's witnesses contradicted themselves repeatedly as they tried to keep their lies straight. Fake evidence was presented to the jury while defense proof that it was fake was kept from them.

The lackey judge and prosecutor were determined to win after their earlier humiliation and they did. Charles got 25 to 30 years for an insignificant crime against property that he didn't even commit and 3 years of struggle to get a new trial or a review of the evidence or even a lie detector test have been fruitless. Charles has no money or powerful friends, he doesn't even have a lawyer. Charles is a convict, he is black, he is poor. Most important of all, Charles is a potential leader and so he is dangerous. They have him in a cage and they want to keep him there.

● ●

We must fight for Charles' release from the dungeons of this death-order so that he will be free to fight for us and with us. This will be a long fight and a difficult one. It will take a lot of us because the enemy is strong and determined but we will succeed because truth, justice, time and right are on our side. The first stage of this battle is fundraising, spreading the word and show of support. We need your help!

Talk to your friends about Charles and the many like him who are held in the cages of the ruling class by hired thug-enforcers. Ask for their help in liberating him. Obtain petitions from his defense committee and circulate them. Write letters to the Editor, to the Governor of North Carolina, to your State and Federal representatives. Send copies to his defense committee and send them some money.

Write to Charles and tell him he can count on your support. Fight for the liberation of slave Charles Reeder. Tomorrow he may be fighting for you.■

LETTER TO A COMRADE

PEOPLE'S FORCES Central Command NWLF

[redacted]

Dear Comrade,

L-- has written about you both, and the common revolutionary rage we share against the ruling class parasite and their unjust, nightmare, rich-prey-on-the-poor order. He has told us that both of you are interested in studying principled theory.

It is important that comrades willing and ready to fight this death-order see the necessity of studying principled theory, and see that study does not postpone action but rather sharpens it, driving the arrow truer to the heart of this beast. Without principled theory we would be lashing out in the dark - lacking a successful process to understand and defeat this death order. Impulsive action, while highly motivated, will only lengthen the time and suffering of our revolution and not shorten it !

Principled theory teaches us to prepare for a protracted (long) struggle. It is especially important for ex-convicts, coming from ruling class dungeons for the poor, to see the need to prepare for a protracted struggle and not give way to impatience. After being locked away, impatience is understandable, but in the long run will not be successful.

RAGE AND DETERMINATION

It is important that we reach many future freedom fighters coming out of the joints. Many of these comrades, because they endure the most unjust, oppressive conditions, will feel the strongest rage and determination. To guide these revolutionary qualities most effectively against the enemy, we must teach these comrades the importance of principled theory.

Principled theory teaches us to evaluate along class lines so that we can clearly see our common enemy - the ruling class and their thug enforcers (be they black, white, Chicano, man or woman). Prison dogs use racist tactics to pit us black against white against chicano, etc.

With principled theory we have class analysis and can see through their racist, keep-us-divided-and-fighting-each-other tricks. These tricks serve only to keep us from building the multi-racial front necessary to defeat this ruling class death-order.

Keep your strong revolutionary spirit cookin! Share this letter with L--.

Unity in Struggle!
¡Hasta la Victoria, siempre! ■

LETTER TO A COMRADE

[redacted]

There's going to be a lot of people who enter the struggle because of the futile, bullshit lives this order now offers people and not out of a sense of their own direct oppression. You can see the contradictions all too clearly: people eating shit food or starving while corporations are paid to let their land lie fallow... or of spending billions to arm the dogs of the world and nothing for food, healthcare or housing. There's surely no shortage of meaningful work to be done, it's just that in this profit-on-pain order there is little value placed on purposeful, humane work.

Sister, you wrote that you didn't think the US would let anybody step on their toes and that it's almost if not completely impossible to do anything to change this order. Things don't really look that grim if you look at the worldwide struggle. In fact, a world view shows oppressed people uniting and defeating these ruling class dogs!

Vietnam has been the biggest inspiration to all people fighting for decent lives and just governments. It's almost impossible to realize the impact of Vietnam, of how a small nation, technologically inferior, was able through their determination guided by principled theory to defect the pig U.S. Government and its thug enforcers.

More and more Asian countries are casting-off the yoke of imperialism that has enslaved, drained and murdered their people. And the same struggles are happening in Africa, Angola and Mozambique to name just a few. They have made significant progress in building revolutionary societies that serve the people.

The U.S. is suffering great losses in Latin America too. Cuba continues to be a constant thorny reminder, Argentina is in a state of civil war and guerrilla warfare is active in most countries. Even Mexico is approaching a state of collapse!

THIS BEAST IS VULNERABLE!

No, sister, we disagree. We feel the world outlook is bright; revolution is on the upswing!

Do you think it will really be that many years before Rhodesia and South Africa are free? The whole world (with the exception of the U.S., Great Eritian, France, West Germany, Isreal and a few other U.S. lackeys) are behind the just liberation forces in Southern Africa.

Optimism, like anything else, is not something you develop before you decide to dedicate your life-work to serving the people. It will develop as you understand more theory and gain more experience.

Here in the belly of the beast we feel one of our tasks as freedom-fighters is to break down the myth that the American military and intelligence is invincible and cannot be defeated. This is something we can only prove with time but we are confident that it can be done!

This does not mean that we necessarily expect to live to see the day this beast is finally dead but we're planning on it and doing everything within our abilities to hasten that day. And, if we don't see that day, we will rest assured that it is coming anyway... as sure as the air we breathe.

Part of the reason for your pessimistic outlook is that you don't have a grasp of where this beast is vulnerable and how, as conditions deteriorate, the people will respond. Che's book On Guerrilla Warfare is a good place to start to learn about the psychology of people and their predictable reactions to certain situations.

If your friends are all the same way (pessimistic) then seek out different friends. Poor people will generally be much more interested in and determined to find ways to defeat this beast. Our lives depend on this.

Unity in struggle to drive this beast from our lives forever!■

Open Letter

to the CENTRAL COMMAND

Dear Comrades:

Several months ago I came to San Francisco to visit an old friend who is a member of the New World Liberation Front. I arrived, firm in the conviction that there was no way that I'd ever become involved with the work she was doing. I went to great lengths to try to discredit the NWLF, for I had already condemned you in my mind as adventurists, with no regard for human life. I was even hoping to knock some sense into the people here.

BACKGROUND

I came from a suburban, middle class environment and have done quite a bit of hanging out trying to find a good reason for my existence. Although I feel that I have always been somewhat aware of how immoral and unjust our society is, I've effectively been able to hide myself from the realities with attitudes such as: "this suffering and inhumanity is not really happening and even if it is, it's not my responsibility; anyway, I can't do anything about it".

The result of this has been artificial highs, rationalizations and a lot of energy-burning with no direction. Having had no exposure to principled theory and it's practice, I didn't even look closely enough to realize that this is a struggle for the people, not against them.

SELF - CRITICISM

I must now criticize myself for these pre-judgements. They were not based on any real knowledge of the situation, of the nature of this struggle, of the wasted lives and early deaths, of the cold and calculated disregard for the fate of the poor by the ruling class, and of the oppression the rulers of this death order bring down on those from less privileged classes than mine.

I have been conveniently tucked away and have, along with the majority of people in America, been systematically brainwashed by lies and cover-ups. I have naively played into their hands by turning my back and filling the role of inactivity that is vital to furthering this power-hungry order's greedy ambitions.

I can no longer claim innocence when I see the atrocities all around and see that they are the supports for a way of life I've never questioned. This selfish inhumanity cannot be justified in any way and must stop.

As these realizations come more and more into focus I become overwhelmed with a depression/sadness, but there is no time for despair. I will work, become stronger, and fight back in every way that I can. I have much study and struggle ahead of me to develop my capabilities so that they will most effectively further the total liberation of all people.

I ask for your help and support in my efforts to break with my class background and dedicate my life in service to the people.

I ask that you accept me as a member of this unit of the New World Liberation Front.

With warmest revolutionary love.

Your sister in struggle.■

NOTES ON LEADERSHIP

Leadership has many bad connotations in this individualist society, making it a difficult concept to grasp. To help grasp the necessity of leadership look at this situation: you have an engine in need of major repair and you want to get it working as soon as possible. You also may be interested in learning to be able to repair engines yourself. In either case you're better off getting the information from someone with mechanical experience.

If your primary purpose is to get it running as soon as possible then it would be fool-hardy and be defeating your purpose to learn from your mistakes over and over.

If your primary purpose is to learn about engines (and you don't need it repaired as soon as possible) then you'll also accomplish your goal fastest by learning from someone with mechanical knowledge.

In every aspect of life the same holds true. We must realize when we don't have certain knowledge, and know where/how to best get it. We should adopt this attitude toward revolution if, after analysis, we believe this to be true.

In every revolutionary collective there must be (and usually is) one or two comrades with more experience, theory and/or deeper commitment. In such a collective it would be dangerous to adopt the practice of one person - one vote.

It would be arrogant and surely wouldn't lead to the best course of action if comrades with less experience overrode those with experience guided by principled theory.

WITHOUT LEADERSHIP WE COULD NEVER EXPECT TO ACHIEVE VICTORY

People sometimes feel that accepting these concepts of leadership will in some way hinder their prospect of becoming fully developed individuals. The opposite holds true! Only through this process will we develop into fuller, more revolutionary human beings.

Many people will feel they will lose what is called "individual freedom" This "individual freedom" equals "I can do what I decide I want to do" regardless of theory, experience and commitment. An individualistic stance strangles unity, preventing us from drawing up our best tactics to combat this ruling class decaying death-order and its thug enforcers.

Many people, especially from more privileged class backgrounds reject the word leader but they would accept other words that imply the same meaning: coordinator, director, "hell of a big influence", teacher, etc. The word leader has the bad connotations in this order of· blind follower, lack of growth, etc.

Yet our history is rich in leaders. In recent years Malcolm X and Fred Hampton were leaders. Reality says they were leaders.

This is how revolution grows. Throughout history, revolutionary leadership equals growth. Without leadership we could never expect to achieve victory. This has never been done.

It is essential to know where to learn from and how to decide. We should learn from those most dedicated and experienced and guided by principled theory. This is toward total liberation with the least amount of mistakes and suffering.■

NOTES ON ANARCHY

EXERPTS FROM LETTERS WRITTEN TO TUG COLLECTIVE

The concepts of Anarchy can not be separated from concepts of leadership, they are interrelated. Most people who embrace Anarchy in the United States don't know how to take orders and recoil from the notion of leadership.

Reduced to its essence, Anarchy is the absurd notion that everyone can do whatever they like and - somehow - the result will be revolution. There has never been a successful revolution without proper leadership. It's like trying to get some place without going; the laws of this world just don't work in that manner!

Anarchists are - for the most part - strong individuals who must overcome their individuality in order to be able to serve the needs of the people. If a person wants to join the NWLF, they must be able to take and follow orders and then learn how to give them. Things can and should be discussed but final say must rest with the Central Command at this point or we have nothing as far as organization goes. We must follow Marx-Lenin-Mao thought which is essential for the liberation of poor people. We will never rise up out of this cesspool order unless we embrace these concepts!

Most Anarchists don't really like Mao or what's being done in the Peoples' Republic of China. They tend to think of China as being somewhat old-fashioned and that what is good for the Chinese isn't necessarily good for us; different culture and different place, etc. This is incorrect. Mao thought is the most advanced theory for the liberation of poor people. Beware of people who think that China is backward and at the same time think they are comrades; they hold different concepts of comradeship.

MISTAKEN ANARCHIST IDEAS

Some Anarchists will say that they work for the freedom of all humans. This is not a realistic approach as it makes no distinction between the people and the enemy who preys upon them. Anarchists are against dictatorships, be they of the proletariat or of a military fascist regime.

They condemn the Cambodian Kymer Rouge for executing those responsible for the old, repressive, murdering regime. We disagree. Dictatorship of the proletariat is essential for revolutionary change and people who condemn the Kymer Rouge must - in the same breath - also denounce Viet Nam, Laos, China, Albania, Cuba, etc. Such people do not have successful revolution in mind or are not grounded in reality. To allow the enemy to run free would be to court disaster for they would surely scheme to reinstate the old order. These people will be slow to accept Mao thought.

MAO THOUGHT

Concerning Anarchy and the dictatorship of the proletariat, Mao has said: "In the sphere of theory, destroy the roots of ultra-democracy. First, it should be pointed out that the danger of ultra-democracy lies in the fact that it damages or even completely wrecks the Party organization and weakens or even completely undermines the Party's fighting capacity. This renders the Party incapable of fulfilling its fighting tasks and thereby causes the defeat of the revolution.

"Next, it should be pointed out that the source of ultra-democracy is the petty bourgeoisie's individualistic aversion to discipline. When this characteristic is brought into the Party, it develops into ultra-democratic ideas, politically and organizationally. These ideas are utterly incompatable with the fighting tasks of the proletariat.

"The peoples' democratic dictatorship uses 2 methods: toward the enemy, it uses the method of dictatorship. That is, for as long a period of time as is necessary, it does not let them take part in political activities and compels them to obey the laws of the Peoples' Government and engage in

Continued on p. 33

INSIDE THE TUG

In our practice of relaying communiques from the underground to the people we are struggling to find the most effective way to distribute this important information. In so doing we have not always been as successful as we would like, but we are learning from our mistakes.

A good example of this was illustrated in our handling of the communique sent to us by the Peoples' Light Brigade, (see p. 41), in which PIR-1 may well have been responsible for the failure of an attack on PG&E in Mill Valley. Here's what happened:

We picked up a copy of the communique at 11:00pm and had just finished retyping it at 11:45 (two hours after PLB said the action had occurred) when we received a call from channel 7 asking if we knew anything about a bombing. We read channel 7 the communique.

Much to our surprise, they were talking about another bombing shortly before in San Francisco's Now Valley district; they knew nothing about an attack on PG&E in Marin. Channel 7 immediately called PG&E who also knew nothing and they called the Marin County Sheriff's Office.

The Marin County Sheriff's Office called in the army. A fence was found to have been cut at the site and the houses in the area were evacuated.

The army found two bombs at the PG&E substation: one had misfired, one was still ticking and was disarmed. Both were foot long pipe bombs containing a half-pound of an undisclosed type explosive material.

While others received copies of the communique, it appears that it was PIR-1 that was responsible for the pigs finding the bombs and we send our deep regrets to our comrades of the Brigade. We have taken steps to prevent a reoccurance of this unwitting assistance to the enemy.

We are also beginning to get a better understanding of the amount of work that is involved in maintaining a communications base, the amount of energy that the work demands and how much of that energy is actually available. We see that at this time it is impossible to make promises of when the next issue of TUG will be out. We have also been advised by the Central Command that we should not state that something will appear in a future TUG that has not yet been written. Examples abound including the second installment of Security promised for this issue: "Agents and Informers".

For this reason we will not predict when a depth analysis will appear of the evolution of collective thinking in the TUG collective, but work has begun.

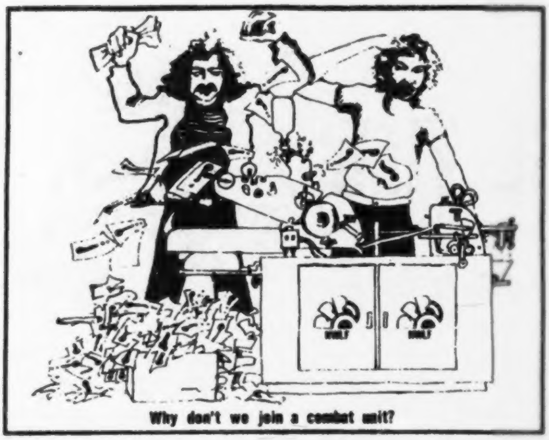
POOR PEOPLES' PRESS

After a diligent search stretching from Petaluma to Pebble Beach we have finally acquired our own press and darkroom facilities. We have a fully equipped print shop now, operating on a cooperative basis.

It is fully accessible to comrades interested in utilizing the facilities or learning how to use them. We will supply the equipment and materials, passing the cost of the supplies on to the user, and charge a nominal fee for the amount of work we have to do ourselves, according to the people's skills who come to use the shop.

In TUG #1 we advertised for a convict printer in need of work to come join us, and although through necessity we have become more skilled at the art of printing, we are still interested in working with someone who is more at home with a press than we.

Besides printing TUG, communiques, petitions and leaflets we do commercial jobs to help pay the rent on the shop, buy supplies and keep TUG afloat. There is more work to be done then there are people to do it, so no one need worry about boredom or wasted time. And the more people we can turn on to the skills we've acquired, the more people will be armed



Why don't we join a combat unit?

with tools to educate, organize and unify ourselves around the just demands of poor working people.

As many of you know we had a problem with blank pages when printing TUG #3 due to the press we were using. If anyone received a TUG with a blank page please let us know which page it was and we will send you a printed one.

We now have copies of TUG #1 and #2 available. Unfortunately we do not have a complete record of everyone who has requested a back issue, so if you could once again let us know which one you need, we will send it out.

CORRESPONDENCE

We still haven't found an effective method of promptly answering all the letters that we receive from people struggling against this unjust order. It gives us strength to know that there are so many sisters and brothers throughout the world who support our work and are sincerely trying to incorporate the practice of principled theory into their lives.

We do our best to answer every letter we receive, often sending along study material, but this has too often resulted in long lapses between responses for some of the comrades who write us. Sometimes exceptional letters are passed on to the underground, and when appropriate and time permits, they are answered by the Central Command and sent by PIR-1. Because of the informative nature of the underground's responses we have chosen to print two of them in this issue of TUG (see pages 8 and 9).

We would like to hear any suggestions people have that might help us to prevent or relieve the backlog of letters that accumulate as we try to give everyone a responsive reply.

STUDY GUIDES

Any books or pamphlets that are mentioned in TUG can be obtained from PIR-1. A good book store that has a wide range of revolutionary books, newspapers, magazines, pamphlets, cards and posters is China Books and Periodicals, 2929 24th St., San Francisco. They have a catalogue to mail-order from and give discounts when you purchase five or more of any one kind of literature in the store.

TUG is, of course, the main means of communicating our ideas to the people but we are also interested in giving concerts through New World Music and obtaining and showing films free in poor neighborhoods around the country.

Beginning February in the Bay area we will be presenting free showings of the movie, Last Grave at Dimbaza, which was filmed by underground freedom fighters in Azania. Any information anyone could pass on to us concerning revolutionary films that can be bought or borrowed inexpensively would be appreciated and put to good use.

MONEY

Publication of TUG has undergone many changes since the first issue, especially concerning the amount of material that each issue contains. Besides enlarging the page size permanently to 81/2" x 11", we have reduced the size of the type to enable each issue to have 2 or 3 times the amount of information than the first two publications.

Due to this increase in volume, there is also the relative increase of materials, time and energy expended to put out each issue. Because of this overall expansion we have had to raise the cover price to $1.00 per issue.

Continued on p. 54

FEMINISM: THE CHINESE VIEW

EXCERPT FROM FAMILIES OF FENGSHENG

The process of women's liberation is an excellent example of conflicting goals within China's development. The role of women in China has undergone a revolutionary transformation since 1949. The central government has taken active steps to guarantee women basic human rights.

The 1950 Marriage Law abolished arranged marriages, outlawed paying any price in money or goods for a wife, outlawed polygamy, concubines, and child marriage, and guaranteed the right of divorce to the wife as well as to the husband. The central government has also had a strong equal-pay-for-equal-work policy.

However, the continuation and extension of that liberation has been slowed by many factors: the continued existence of "feudal ideology" on the part of women themselves, men, and the elderly, who still have substantial influence; the lack of sufficient jobs for all women in the rural as well as the urban areas; and the economic and political policy of encouraging decentralization and self-reliance.

A commune, for example, in addition to a basic concern about the rights of women, must also be concerned with maximizing crop production, developing small industries, providing educational and health services, developing political leadership, and a host of other issues. The liberation of women must be seen in this total context as one imperative among many, as a thread that runs through all of the areas of concern and development.

Inevitably there have been visitors from the United States who have criticized the progress made by China's women. And yes, many of China's women do not have full-time, year-round work, particularly in the countryside; and yes, many of China's women still suffer inequities in the rural "work point" system of determining wages; and yes, many traditional female professions such as nursery and kindergarten teaching have not been opened to men; and yes, there are not sufficient preschool facilities to meet the needs of working women; and yes, there are relatively few women in leadership positions.

The Chinese recognize many of these remaining inequities. Moreover, they feel that there is much in Chinese life that needs to be improved for both men and women - the long hours that peasants must work on the communes, inadequate health care in the more remote areas, insufficient technological development countrywide, a shortage of both teachers and classrooms, a persisting discrepancy between the standard of living in the cities and the standard of living in the countryside, and a host of other severe problems that must be dealt with continuously. And one of these, and only one, is the liberation of women.

Perhaps Linda Gordon, in her perceptive article "The Fourth Mountain: Women in China," sums it up most succinctly: "In China the process of women's liberation cannot be understood separately from the process of the entire revolution."

Furthermore, the liberation of women is seen by Chinese women themselves as "being able to work and contribute in the building of the new China." ■

FEMINISM AND HOMOSEXUALITY

A MAOIST VIEW

REPRINTED FROM TAKEOVER

Whatever happened to sisterhood in Chicago? Confrontation behind the barricades pitted anarchist women versus Socialist women, revolutionary against revolutionary. And when the smoke cleared, the Chicago Women's Liberation Union, formed in 1971 as an umbrella good-vibrations union for Chicago women, was irreparably split between two sects.

For these sects, or protoparties, the political scale starts with Anarchist Individualism as a "right" position and moves to the left toward the Maoists, the hard-liners, imbued with the exhilarating "left" tenets of Marxist-Leninist-Maoist thought. The amount of individualism tolerated indicates the degree of "right" deviation on a revolutionary scale.

Maoists groups, among others, supposedly adhere to the principle of democratic centralism: the requirement that all members of the organization obey without criticism decisions reached by the entire group, presumably after a full discussion. Maoists describe the clash of national political factions, such as those which surfaced in the CWLU split, as a contest for minds and resources among three groups: Revisionists, Anti-Revisionists and Centrists.

The Revisionists of Marx take their cue from the Communist Party of the US and are pro-Soviet and pro-Cuba. They include groups such as the Communist Party, the Labor Party and the Puerto Rican Socialist Party, groups which push ERA-like measures such as the Worker's Bill of Rights and bread-and-butter gains for workers, as presented by union officialdom.

Centrist groups prevail in Madison, Wisconsin. Such groups soft-pedal ideology, give weak support to the USSR and China equally, and try to get everyone "together". The Guardian, for example, a newspaper that grew out of the Rosenberg executions, calls for a new multi-issue party but devotes little time to ideology and theory. The New American Movement, Chicago's Rising Up Angry and Madison's Wisconsin Alliance likewise stick generally to education and cultural socialism.

Mao still guides the thought of Anti-Revisionists, although varying degrees of reverence go to the Red Book. The factional fighting is supposedly motivated by the ultimate goal of party building, a recently announced priority for Maoists. The party to be built, however, will not be a Popular Front or easy-rider coalition of Centrists. It must be based on correct ideology and theory, and every member's active assent, obedience and work.

Worker's Viewpoint (an Anti-Revisionist theoretical journal) clearly outlines the failings of older groups such as the October League, the Revolutionary Union and the Revolutionary Communist Party, formerly RU. Also in the Anti-Revisionist category are ethnic groups such as the Black Worker's Congress, the Young Lords, the Puerto Rican Worker's Organization, the Chinese I Wor Kuen and Chicago's AIM. The proliferation of these groups shows growth in the Maoist sector.

The Maoists push the basic issue: they say their purpose is to make a revolution which will put power in the hands of working class Americans. All activity of political or near-political groups should be judged by that goal. Most of the activity in Madison would be shown to serve the petty bourgeoisie -- the almost-bourgeoisie who are relatively comfortable, even under the conditions of a deteriorating economy, who live for short term goals of pleasure, viewing the future with a sense of doom. Another example, according to the Maoist perspective, was the Chicago Women's Liberation Union.

CHICAGO WOMEN'S LIBERATION UNION

The Chicago Women's Liberation Union rocked along for four years, seemingly able to do no wrong. It fostered the Women's Graphics Collective, the Liberation School, health clinics; encouragement came from the Rising Up Angry newspaper. Even the odd grant or two happened its way. The Planning Committee of the CWLU, with representatives from most of the alternative women's groups in the city, planned larger and larger outreach over the years, stressing cultural lesbian education and self-cultivation events (rap groups, massage classes, graphics, auto mechanics).

Two typical slogans from the time, "The personal is political" and "Float like a butterfly, sting like a bee", indicate the "personal socialism" practiced by the largely college educated and self-serving CWLU.

Maoists, increasingly involved in CWLU affairs, charged that the CWLU like many feminist groups, was selfish, lazy and unwilling to improve its politics under criticism. And from this Eden of feel-good socialism and political sexuality emerged hatred and anger, by-products of the battle over homosexuality, the issue that crystallized every political woman's position.

This year the CWLU expelled members of the Revolutionary Communist Party, when they declared their opposition to homosexuality. The October League, also known for its opposition to gayness, remained in the CWLU, hid its stance and even publically called for a United Front of Women. But as the October League became more publically skeptical of cultural leftism and gay liberation, the Centrists controlling the CWLU moved to kick them out too. They then formed an Ideology Panel, comprised of one woman from each organization, to resolve the issues.

Now, with the fat in the fire, the Asian Women's Group and other Maoists began to openly and bitterly debate the supporters of Gay Liberation. The Maoists first advanced the position that Gay Liberation is not a struggle against oppression but an accomodation to it.

Howls of anger went up in the CWLU, but the Maoists stuck to their guns, condemning the "sell-out gays". That was just the overture. The second Maoist position, "Smash Feminism," fell like a bomb on the divided Chicago Women's Liberation Union.

The Centrists tried several tactics in response, but balked at open debate. They wouldn't debate the Maoists because essentially, in the context of the CWLU, the Maoists were right: the CWLU had created its own bureaucracy over the years, and its own small area of comfort, and largely justified this opportunism by stirring up feelings of self-pity and hostility toward men.

The Planning Committee failed in an attempt to expel the Maoists secretly, failed in an attempt to smear them as cops or Communists (NCLC or National Labor Party) and could not stem the discussions which had broken out.

UNION SPLIT

After months of debate a majority on the Planning Committee finally voted out those who agreed with the Maoist women, mainly the Asian Women's Group and the Monday Night Chapter. Later, however, many other women who had not initially supported the Maoist position also left the CWLU, turned off by its electoral activities, its so called "organizing" in bars and the lifestyle radicalism of sloppy dress and angry talk.

The Chicago Maoists, the Asian Women's Group and the Monday Night Chapter put out a leaflet entitled "Why Smash Feminism", where they outlined their position on women and homosexuality.

As opposed to the real task of revolutionaries in this country, making armed war against capitalists, the Centrists want to have a rosy career of leading the working class and writing about and studying it. In the guise of being revolutionaries, they sell out the revolution.

"Women are not a special interest group above class. Women are divided into classes as are men. We must stand for the unity of the class, fight against women's oppression and all types of oppression to end all oppression.

"Historically, feminism has not been a trend that has fundamentally challenged capitalist society, e.g. the suffrage movement, movement for Voting Rights Act, the ERA. The feminist line has never claritied the issues, therefore never appealed to the working masses, and has no chance of developing a strong base among them.

"Any intrusion the feminist line makes among the working class only serves to divide working class men and women.

" This is why we say that the line of the CWLU leadership is a petty bourgeois opportunist line whose perpetrators (consciously or unconsciously) screw the masses. One of our central tasks in the women's movement is to 'smash feminism'-- build working class leadership of the women's movement."

Homosexuality is a social sickness that grew out of the contradictions of class oppression and the oppression of women. We must ask ourselves how does homosexuality serve the masses of oppressed people. Should we strive to gain our strength and conviction from the masses by taking up the class struggle or should we seek individual solutions by abandoning the class struggle?

"Homosexuality appeals especially to the petty bourgeoisie because of its appearance of 'free choice', everything goes, do your own thing, 'whatever turns you on'. This reflects not only petty bourgeoise individualism, but also the inevitable linking up of the petty bourgeoise class with the bourgeoisie class. Both have no future and can only live for the pleasure of the moment, can have no real values or long-term goals. This is decadent bourgeois ideology.

" The demand to oppose homosexuality is not a call to lynch or degrade homosexuals. The stand is to struggle in a principled way and from a revolutionary standpoint to transform homosexuals. This methodology stands in direct opposition to the outright decadent justifications of the gay lib movement, and to opportunist outcries of the supporters of gay lib who parade homosexuals much like missionaries parade starving children and lavish paternalism galore on these 'poor people' to justify their own gluttonous decadence."

AFTERMATH

In the aftermath of the CWLU clashes, the Asian Women's Group has joined an alliance with the Monday Night Chapter, sympathetic Anglo women and decided to: 1) put out a newsletter, 2) open a storefront in a racially jumbled working class neighborhood in Chicago's vast north-west side.

Members of this new union will be working in factories and other socialised work places and do organising by door-to-door leafletting, as well as holding night classes and regular meetings.

For several women, themselves from privileged classes, the Long March has only just begun. Already, though, the group has raised demands against busing and for reduced police control of Chicago neighborhoods. The teeming sidewalks of Chicago would take fire as quickly as Wisconsin forests, given the right match.■

EXCERPTS FROM

ZIONISM

A POLITICAL CRITIQUE

Israel is generally viewed in Western countries as a small, innocent, struggling nation beset on all sides by hostile Arab neighbors: a place of refuge for the persecuted Jews of the world. This myth has been purposely nourished by the Zionist forces, which in fact created the State of Israel primarily through military occupation and the forced eviction of the masses of the indigenous Arab population.

So successful have the Zionists been at propagating their concept of the historical evolution of Israel, that a significant portion of the progressive forces of the world have been split over the question of the Arab-Israel hostilities.

The history of Zionism is not a pretty one. Originally working hand-in-hand with Britain to assure a foothold for British imperialism in the Middle East, and later supported by and serving the economic, political, and military interests of US imperialism, Zionism propounded essentially the same line as the Nazis before and during Hitler's reign of terror against the Jewish population of Europe: that of the inability of Jews to be assimilated into other cultures.

Arnold Toynbee has pointed out: "Zionism and anti-Semitism are expressions of an identical point of view." This is the alleged "indigestibility" of the Jews. "Each country can absorb only a limited number of Jews if she does not want disorders in her stomach. Germany already has too many Jews." This statement was made not by Julius Streicher but by Zionist leader Chaim Weizmann to a German audience in 1912.

Nazi anti-Semitic and Zionist propaganda, writes Rabbi Jacob Agus, popularized the same slogans: that emancipation was a mistake; the presence of Jews in Europe, disruptive; that all Jews constitute "one folk" and are unique and unintegrable; that anti-Semiticism is a natural, hence ineradicable, expression of the "folk feeling" of European nations and anti-semitic ravings therefore understandable.

Benyamin Matovu has documented the fact that direct reproduction of Zionist writings became the pattern of Nazi anti-Semitic propaganda. Among the Zionist most frequently quoted by the Nazis were Weizmann, Jacob Klatzkin, and Nahum Goldman, later a prime leader in the creation of Israel and long-time president of the World Zionist Organization, who held that "Germans have the right to prevent Jews from intruding in the affairs of their folk" and already in 1920 advanced the Jewish stab-in-the-back theory to explain the 1918 defeat.

ZIONIST/NAZI COLLABORATION

There is more, however, to the Zionist-Nazi story than the identity of Nazi and Zionist propaganda about the Jews. In the tradition of Herzl, who held anti-semitic governments to be Zionism's best ally, German Zionist welcomed the Nazi rise to power as the death blow to assimilationism.

Zionist leaders offered the Nazi Government their cooperation in finding a solution to the Jewish question, urged Jews to wear the Yellow Star six years before the Nazis ordered it, and capitalized on their position as the only Jews able to associate with the Nazis to discredit non-Zionist Jews.

The Nazi Government and the Jewish Agency for Palestine concluded an agreement under which Zionist-selected Jews were permitted to emigrate to Palestine and transfer their property to be exchanged there against British pounds: Palestine was flooded with German goods while American Jewry tried to organize a boycott of Nazi Germany.

THE PRICE FOR THIS ZIONIST/NAZI COLLABORATION WAS PAID BY NON-ZIONIST JEWS

Zionist emissaries came from Palestine - in the words of the Zionist Kimche brothers - not "to save German Jews; that was not their job". Their job was to select "suitable material" and they talked openly of "mutual interests."

They were even allowed to set up "training camps" for Palestine under Nazi auspices. Zionists invited Eichmann to Palestine, and when the British refused him permission to enter, Histadrut representatives journeyed to Cairo to visit him.

The price for this Zionist-Nazi collaboration was, as Dr. Hannah Arendt has emphasized, inevitably paid by non-Zionist Jews, the non-selected majority who found "themselves confronted with two enemies - the Nazi authorities and the Jewish authorities."

The Nazi Government dropped its pro-Zionist policy in 1939, but organized Jewry's collaboration remained "the very cornerstone" of its Jewish policy. Without it, writes Dr. Arendt, the "final solution" would not have been possible: "Without Jewish help in administrative and police works...there would have been chaos or an impossibly severe drain on German manpower."

The trial in Israel in which Zionist leader and high Israeli official, Rudolf Kastner, backed by the full power of the Israeli Government, tried (unsuccessfully) to clear himself of charges of having assisted Eichmann in the slaughter of nearly a million Hungarian and Polish Jews; Ben Hecht's Perfidy, based on sworn evidence at this trial; Arendt's Eichmann in Jerusalem; Raul Hilberg's The Destruction of the European Jews -- these clearly documented how Jewish Agency leaders withheld from the masses of Jews in Eastern Europe the fact that they were marked for shipment to death camps...and clearly suggest that by maintaining the Nazis' secret, the Zionist leadership, inside and outside Hitler's Europe, made unlikely a mass uprising of the Jews and enabled the route to the gas chamber to remain unblocked by the desperate rebellion of doomed men. In return, some hundreds of Zionist leaders were permitted to escape to Palestine.

JEWISH STATE

Zionist leaders themselves insisted that their first concern was not rescue of the Jews but the establishment of a Jewish State in Palestine.

In line with this policy the Zionists deliberately sabotaged all rescue efforts not directed to Palestine - among others, Roosevelt's plan to rescue 500,000; projects for settlement in Alaska, Australia, Surinam; a British parliamentary resolution for temporary refuge during the war. "Who can tell how many thousands of Jewish lives might have been saved if these anti-Jewish pressures exerted by Jews had not been effected?"

Erskine Childers, writing of this successful Zionist campaign to close the doors of other countries to Jewish refugees, found it "incredible that so grave and grim a campaign has received so little attention in the account of the Palestine struggle - it was a campaign that literally shaped all history."

Behind this grim campaign was Zionist determination to persuade the world and especially the U.S. - to which Zionism had moved its power base during the war - that there was only one solution to the refugee problem: the creation of a Jewish State.

"For while many Americans might not support a Jewish State," wrote Richard Stevens, "traditional American humanitarianism could be exploited in favor of the Zionist cause through the refugee problem. Indeed...the refugee problem had to remain unsolved in order to insure the creation of a Jewish State in Palestine." This Zionist campaign linking the refugee problem to the creation of the state was enormously successful in the U.S.

The Nazi chapter in Zionist state-building suggests answers to crucial questions concerning the effect upon the Jews themselves of Zionist racial and collaborationist policies and of overriding Zionist power ambitions in Palestine. That Zionism contributed to the almost universal collaboration of organized Jewry with the Nazis and to the general absence of resistance can hardly be denied.

William Zukerman pointed out: The heroic men and women who died on the barricades of Warsaw belonged to a section of the Jews who held their home was in the countries where they had been born, had worked, and had contributed to wealth and culture...to them the future of European Jews, after the war, lay in Europe, in the homes they had loved and fought for...

Israel has always talked peace to hide its aggressive policy from world public opinion and is never more eloquent on this subject than just before or just after some military attack or massacre. If Arab leaders have talked war, they did so only to hide their impotence before the international power alignment protecting Israel and its aggressions.

For 20 years Israel's propaganda has pictured its existence as constantly threatened by the Arab states. UN records and the fact of Israel's territorial aggrandizement show that it is the existence and territorial integrity of the Arab states that have been constantly threatened and encroached upon by Israel. Taken together, Israel's violations of the Armistice Agreements reveal a calculated policy of provocation and aggression.

The Arab peoples, above all the Palestinian people, will not and cannot accept the existence of Israel, a colonial-type creature imposed by forces outside the area. This does not mean - and the Zionists know this - that they plan the genocide of its Jewish inhabitants.

Theirs is a political goal no different in character from the goal of the liberation movement in South Africa. In this goal, they should have the support of all democratic and progressive peoples, including the Jewish masses, who have also been victims of Zionism, and are being led by Zionism towards another disaster.■

TO PEOPLE WHO WONDER HOW THE GERMAN PEOPLE COULD SIT PASSIVELY BY WHILE THE NAZIS EXTERMINATED MILLIONS OF JEWS, WE SAY: HOW IS IT THE AMERICAN PEOPLE SIT PASSIVELY BY WHILE THE U.S. CORPORATE AND GOVERNMENT NAZIS EXTERMINATE THE POOR OF THE WORLD. ONE CHILD DIES EVERY MINUTE IN SOUTH AFRICA. LOOK AT SOUTH KOREA, HAITI, IRAN, BRAZIL, RHODESIA, ETC.

PEOPLES' FORCES
Melville, Jackson Unit
NWLF

VULTURES OF THE POOR

The Jonathan Jackson/Sam Melville unit of the New World Liberation Front attacked the house of Dianne Feinstein to once again draw attention to this ongoing situation in San Francisco:

People are rotting, even dying in the city's dungeons and the county jails because of non-existent and poor health care, slop food that isn't adequate to maintain a healthy life, living conditions unfit for even a dog, and deranged quacks who prey on the minds and bodies of their victims. THE SUPERVISORS CONTROL THE PURSE STRINGS THAT ENFORCE AND UPHOLD THESE DECADENT PITS.

DEMANDS

Therefore, we demand the following: 1. Provide money for medical screening and treatment upon entry and release at city and county jails. Currently, denial of medical care is used as a tool of punishment and murder in the hands of these dogs.

2. Get rid of the deranged quacks. All the screening and medical care in the world won't do any good if deranged quacks are making life-death decisions on people they look down upon and despise.

Dianne: Your ruling-class house with crystal chandeliers, your fine clothes, your elitist air: none of these conceal the blood of poor people that stains your hands. You pull the purse strings that condemn poor people to nightmare lives. You determine where we can afford to live, what quality and amount of food we can afford to eat, and what kind of medical care we can afford to get.

We have a human right to decent housing, nourishing food, adequate health care. We have the right to lead productive meaningful lives. We will fight this rich-prey-upon-the-poor order until these rights are everyone's rights.

The San Francisco Board of Supervisors have 48 hours to respond to these 2 just demands or they will be subject to further attacks by the Peoples' Forces!

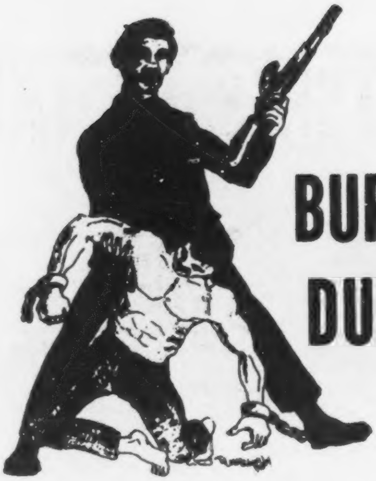
We send our warmest love to all comrades struggling to combat this death order. ¡ Hasta la Victoria, siempre! ■

Toward a just order and Total Liberation!

Unity in Struggle.

Sam Melville/Jonathan Jackson Unit
Peoples' Forces
New World Liberation Front

COMMUNICATIONS
PIR-1
NWLF



BURN THIS DUNGEON!

One year ago 2 members of the San Francisco Board of Supervisors received bombs in the mail after refusing to respond to the demands of the underground NWLF for adequate medical care in the County Jails. The media called them Candy Bombs and neither detonated due to elaborate safeguards in their construction even though one was opened and the other tossed around like a football. Both bombs were, however, fully operational.

The Supervisors promised to take all appropriate action and the Central Command suspended further action until the words of the Supervisors could be compared with their actions. The communique contained a stern warning: "If there are any deaths at the County Jail due to poor medical care, we will hold you (the Supervisors) fully responsible and take appropriate action!"

PIR-1 had an opportunity to assess conditions in the city prison 45 days later when a member of the NWLF was confined there for being contemptuous of a Federal Grand Jury. The comrade was a diabetic and almost died from lack of medical attention. (story in TUG 2).

Seven months later another member of the NWLF was confined in the San Francisco County Jail for supposedly attempting to intimidate another Federal Grand Jury. She reported that medical care was virtually non-existent. For example:

One woman had to get medical attention through her lawyer. She had only one kidney and it was infected. Repeated requests for a doctor were ignored and when our comrade left, the woman suffered from swollen ankles and wrists, a rash over her entire body and other symptoms of advanced body poisoning due to kidney failure and still had not seen a doctor. Another woman had a cyst removed from her ovary and was returned to the jail without even one day to recover from surgery. As was reported of city prison, everybody seemed sick.

CLARENCE JONES

Soon after receiving this report, a brother in the County Jail was forced to take a guard hostage in a desperate attempt to get medical attention. He said he was being attacked by "body parasites" and the media treated the whole matter as though he were a nut but an NWLF comrade who knew Clarence was quite sure that he was not a nut.

We suspected that Clarence had been a victim of scabies, a very tiny (too small to see without a magnifying glass) body-parasite that burrowed beneath the skin and caused intolerable itching. There was a lot of scabies around at that time and a member of PIR-1 had been infected.

We were unable to verify our suspicions because Clarence was immediately hustled off to the state mental hospital in Napa and held incommunicado. Clarence may never know what he had but he knows what he's got now: 8 new charges resulting from taking the pig hostage.

LARRY DAVIS

Shortly thereafter Larry Davis, another diabetic, died of cardiac arrest following a diabetic coma. Since a diabetic enters a diabetic coma only through gross medical neglect and Larry had been in the jail hospital, presumably right under the eyes of the medical personnel, PIR-1 undertook to investigate his death.

Those contacted in the course of the investigation include the Sheriff, Richard Hongisto, all of the doctors who were directly involved or had anything to say on the subject, the jail "ombundsman", the Director of the jail medical program, and friends of Larry's including one who was in the County Jail with him.

THE SHERIFF

Sheriff Hongisto states that the responsibility for medical care has been taken from his hands so he was not only powerless to alter the course of events in Larry's case, he couldn't even state that he was in a good position to offer an evaluation.

Speaking as an administrator, he felt certain that Larry would not have died if there had been an adequate screening and medical evaluation process for incoming prisoners. Most of the doctors agree.

THE DOCTORS

All the doctors who would talk to us, including the doctors who treated Larry at the Jail and in Mary's Help Hospital (where he died) agree that diabetic-screening for incoming prisoners would have saved Larry's life. Such screening had long been opposed by Quack Richard Mendel, the Director of the Jail Medical Program. In fact, such a screening program had been terminated by Mendel because it was unnecessary. At the insistance of other doctors, the program has now been resumed.

Quack Mendel, tool of the Supervisors, wouldn't talk to PIR-1 reporters. The reason for his refusal to talk, transmitted by one of his lackeys, was "confidentialities". The other Doctors told pretty much the same story: Larry had shown no signs of being a diabetic. His only symptoms were a mouth infection and a more generalized infection resulting from the mouth infection. No one suspected he was a diabetic until he went into a diabetic coma. He died 11 hours later.

LARRY'S FRIENDS

This was a little hard to swallow, since the symptoms of diabetis are so hard to miss: insatiable thirst, incredible hunger, frequent urination (as often as every 10 minutes), infection, gross fatigue, impairment of vision, loss of mental facilities, rapid loss of weight, vomiting, unconsciousness, death.

THE SUPERVISORS AND QUACK DOCTORS ARE DIRECTLY RESPONSIBLE

Compare these symptoms with what Larry's friends saw: vomiting for 3 weeks, couldn't even hold down water. So "out of it" he couldn't even be talked into "jamming" the doctors. Clarence Jones had "jammed" the doctors and gotten 8 new charges but Clarence is still alive.

Larry told his friends: "I feel like I'm starving to death" while his gums bleed and abcesses spread across his body. His skin turned sickly white (Larry was black) and then grey. "The doctors didn't have time to talk to him." And so - right out of the medical books that the doctors apparently never read - unconsciousness, cardiac collapse, death. The cons thought Larry was dying and used words like "he looked dead"; the doctors thought he was just fine and - if anything - was trying to score drugs. Quack Mendel and the Supervisors never knew Larry existed and couldn't care less now that he no longer does exist. This is the state of medical care in the County Jails.

RESPONSIBILITY

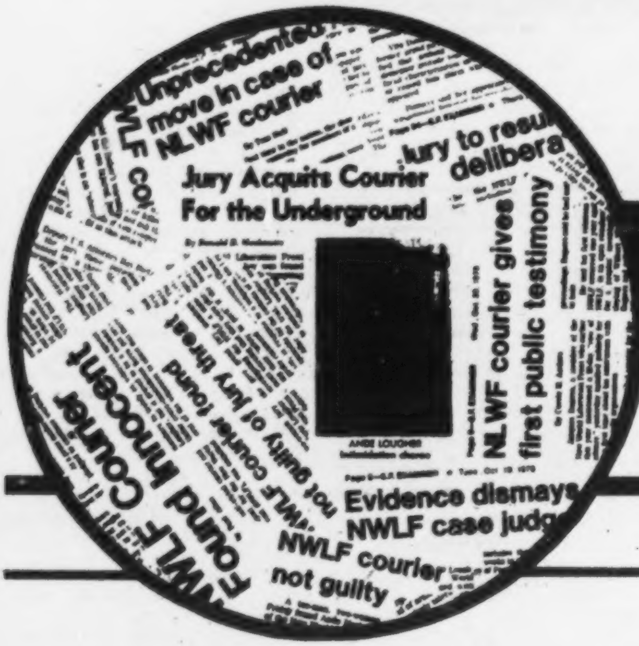
Primary responsibility for the death of Larry Davis belongs to the San Francisco Board of Supervisors and their lackey in the Department of Public Health, Quack Richard Mendel. Their cost-cutting cancellation of the diabetic screening program directly resulted in the death of Larry Davis.

Also responsible are the jail doctors who treat convicts with suspicion, degradation and neglect. When sisters have to get a lawyer in order to see a doctor and brothers are forced to take hostages to back-up demands for medical treatment, this intolerable situation has reached criminal proportions and must be stopped!

Shortly after the death of Larry Davis, the Sam Melville/Jonathan Jackson unit of the NWLF attempted to bomb the home of Supervisor Dianne Feinstein. The communique is on page 22 of this issue. ■

NWLF

ON TRIAL


Unprecedented move in case of NLWF courier
Jury to resume deliberations
Jury Acquits Courier For the Underground
NLWF courier gives first public testimony
Found innocent NWLF Courier
NWLF courier found not guilty of jury threat
Evidence dismays NWLF case judge
NWLF courier not guilty

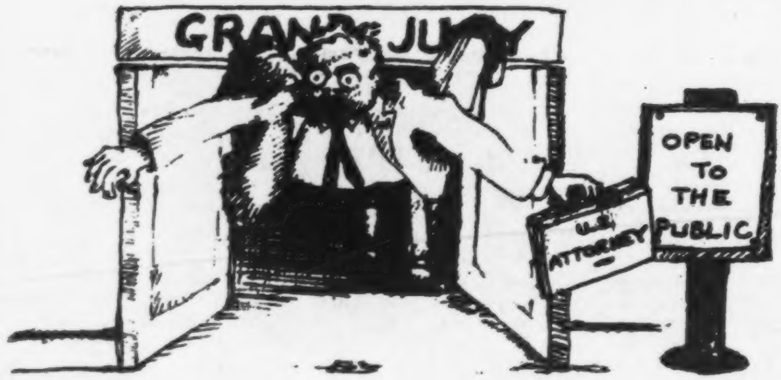
SINCE THE PUBLICATION OF TUG #3, THE FBI HAS MADE A MOST DETERMINED EFFORT TO CLOSE DOWN THE INFORMATION RELAY. BEFORE THE ATTACK WAS FINALLY BEATEN BACK LATE IN OCTOBER THEY HAD ISSUED 3 NEW GRAND JURY SUBPOENAS, STOLEN OUR CAR, TWICE INVADED OUR HOME WITH ARREST WARRENTS, HELD ONE OF US ON $100,000 BOND, AND SPENT - BY CONSERVATIVE ESTIMATE - $25,000 OF THE PEOPLES' MONEY.

Their offensive began the day TUG #3 was released. Ande Lougher and another member of the NWLF were performing at a benefit concert for Gary Tyler when FBI thug enforcer Alan Samerican and a female accomplice from the "NWLF Squad" invaded. Everyone knew they were pigs the minute they walked in and Samerican mounted the stage for his moment of glory. "This is what you've been waiting for" he said as he handed Ande a Grand Jury subpoena.

Several members of the NWLF showed up at the Federal building on the day of Ande's subpoena including Kit from Intelligence Unit #2. As he entered, two FBI thugs descended on him with another subpoena that demanded his appearance before the same Grand Jury in 20 minutes. He ignored it and split.

Ande appeared before the Grand Jury and was asked a series of questions by US Attorney Ray Beitz such as: "Did you ever witness a bombing?" and "Do you know anybody who has ever done a bombing?" etc. She refused to answer all questions except name, address and occupation and she distributed copies of the following statement to the Grand Jurors.

STATEMENT TO THE GRAND JURY



ONE WEEK AGO, THE FBI DEMANDED THAT I SUBMIT TO INTERROGATION ABOUT MY POLITICAL ACTIVITIES. I REFUSED AND IN LESS THAN 48 HOURS THEY RETURNED WITH A PIECE OF PAPER THAT SAID I WOULD EITHER SUBMIT OR GO TO JAIL. SINCE THAT PIECE OF PAPER WAS ISSUED IN YOUR NAME, I ASK YOU TO CONSIDER FOUR THINGS:

FIRST

First, there is your sworn duty to uphold the constitution that our founders were able to bring into existence 2 centuries ago after a prolonged armed struggle. They fought and gave their lives in order that we would be protected from government tyranny and were successful in establishing certain basic rights.

Among these were freedom of religion and of the press, freedom from being forced to incriminate oneself, the right to be secure in one's papers and effects, the right to counsel and due process of law, and the right to a public trial. In one stroke, you are being asked to simultaneously violate every one of these rights!

SECOND

Second, you are being used by the secret police as a tool that legalizes forced interrogations of citizens who have committed no illegal acts and all that will happen here is being hidden from the eyes of other citizens. It is in no way different than the secret, forced interrogations of the gestapo, the KGB or the secret police in Chile, Korea, Iran or South Africa to name just a few. They use physical torture for leverage and the FBI uses the psychic torture of threat of imprisonment.

THIRD

Third, the forces of repression, here represented by the U. S. Attorney, are placing your safety in grave peril. The New World Liberation Front is an organization with a large and independent underground of armed guerrillas who will not passively tolerate an attack on their organization with one of their members subjected to forced interrogation under threat of imprisonment.

DID THE U.S. ATTORNEY TELL YOU THAT?

The last time the FBI attacked the NWLF in this manner, the foreperson of the Grand Jury came under armed attack by the peoples' forces. Did the U. S. Attorney tell you that?

While I have no wish to see any of you injured or killed, at the same time I could not ask them to stay their hands if you cooperated with the FBI in this attack on the New World Liberation Front. Such a request would increase the peril to my comrades in the NWLF who might also come under FBI attack and would be ignored by the peoples' forces anyway.

LAST

Lastly, I would like to remind all of you that you do not have to cooperate although the U. S. Attorney will try to tell you otherwise. There have been Grand Juries who have barred the U. S. Attorney from the room and used their powers to investigate the government itself. You represent the people and by law are the final deciders of everything that happens.

Use your power. Order the U. S. Attorney from the room and open the doors to the people. Do this and I will freely and fully answer all of your questions, every one.

The FBI has created a situation today where we will all be faced with hard choices and we must all accept full responsibility for our decisions. Do not allow yourselves to be tricked or deceived. Act out of principle. It could be the most important decision you will ever make.

Ande Lougher
New World Liberation Front
July 14, 1976

Word was immediately leaked to the media by the FBI that Kit was going to be arrested for failing to answer the subpoena. Kit's attitude was "go ahead and arrest me" since he was certain the subpoena was illegal but he didn't want them tearing up the house on the excuse that they were looking for him; so he and another member of PIR-1 set out the next day to determine their intentions.

The FBI's NWLF Squad was located without difficulty, piling into a car behind the Federal building. "Do you want to arrest me?" Kit inquired and they admitted that they had no warrant for him. They left in a hurry and Kit found out why when he returned to PIR-1: they had been on their way to arrest Ande! She was charged with endeavoring to intimidate a Federal Grand Jury because of her statement and $100,000 bond was requested by the US attorney, Ray Beitz.

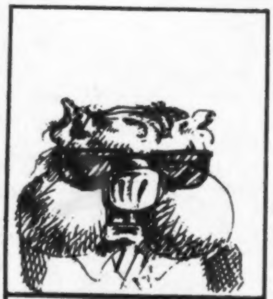
None of the NWLF attorneys could be located so all of PIR-1 raced down to the Federal building for an immediate bail hearing. Beitz argued that Ande was charged with a very serious crime and had friends underground. Without $100,000 bond she might disappear and never be heard from again. The US Magistrate apparently didn't think much of the charge or the US attorney's arguments and ruled that Ande's word that she would appear for trial was sufficient. She was released.

Beitz then turned on Kit who was present in court and threatened him with arrest if he didn't agree to appear at the next session of the Grand Jury. Not wanting to complicate things further, Kit agreed even though he had not been served with a legal subpoena. He later appeared and refused to answer all questions except name, address and occupation.

Meanwhile, Beitz presented his evidence to the special "strike force" Grand Jury that rubber stamps all the indictments the government doesn't want to take any chances on. They rubber stamped his indictment which allowed his FBI buddies to rearrest Ande. This time the deck was well stacked, with the bail hearing before pig Judge Samuel Conti who has said: "I'm not a pig, I'm a hog!" He thought $100,000 bail sounded just right and gave a lengthy speech to the crowded courtroom about the seriousness of the charge and the certainty of Ande's guilt.

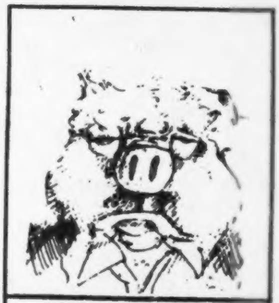
Ande went back to jail and PIR-1, in a rage, released the following statement to the media:

SHIT RUNS THROUGH THEIR VEINS



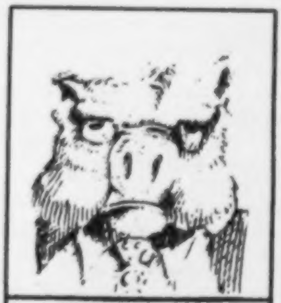
RAYMOND F. BEITZ
LACKEY (U.S. ATTORNEY)

INTELLIGENCE FILES
NEW WORLD LIBERATION FRONT



ALAN L. SAMERICAN
THUG ENFORCER (F.B.I.)

INTELLIGENCE FILES
NEW WORLD LIBERATION FRONT



PATRICK P. WEBB
THUG ENFORCER (F.B.I.)

INTELLIGENCE FILES
NEW WORLD LIBERATION FRONT

At 6:00 P.M. yesterday, the FBI attacked Information Relay # 1 of the New World Liberation Front for the 4th time. For the 4th time they dragged away in chains a person who had broken no laws. Sister Ande Lougher is one of the most loving people we know, a singer and songwriter who is loved by countless people. Her brutal treatment at the hands of these deranged dogs has filled us with rage!

The FBI first arrested Ande two weeks ago, with Patrick Pig Webb running his hands over her body while his cohorts were dividing up the take from the donations basket. They tried to hold her on $100,000 bail but Judge Urden thought so little of their absurd charges that he released her on her word that she would appear in court today. The marks on her wrists from the tight handcuffs were clearly visable to newspersons during a press conference held hours after her arrest; the heavy bruises on her legs lasted a week.

Ignoring Judge Urden's explicitely stated order that Ande remain free on her own recognizance throughout the proceedings against her, these butchers of poor people seized on a technicality in their laws to rearrest her after her indictment by the puppet "strike force" Grand Jury. Why didn't they allow the preliminary hearing scheduled for today to take place? Why are they again trying to hold her on $100,000 bond?

THE UNDERGROUND HAS MADE THEM LOOK LIKE FOOLS

We all know the answers to these questions: They did not want a preliminary review of their evidence because they have none; they want Ande held in jail because she has no money for bail and that's the only way they can keep her in their cage. They want to intimidate Ande, and the Information Relay, because we have the courage to openly support armed attack against them and their employers, the greedy bloodsuckers of the ruling class. They are determined to stop our press, close our mouths, silence Ande's songs. Our underground has made them look like fools and so they try to close the information relay by intimidation, by legal and illegal attack, by every possible means.

This unit of the NWLF is staffed by writers, artists, editors. Because we are not guerrillas, the FBI no doubt imagines that these tactics will be successful; that they will be able to scare us into abandoning our struggle for the liberation of human beings from the chains of this death order. These cowardly dogs are mistaken.

It is they who are scared. Even while attacking us they would not give their names - as required by their laws - because they are terrified of the peoples' justice that might be meted out to them by the peoples' forces. They are the thug enforcers of this sick, dog-eat-dog order and know they are in the gunsights of their enemy: the New World Liberation Front. They are deranged poltroons and shit runs through their veins.

To the FBI we say: cease your attack on the Peoples' Information Relay of the New World Liberation Front or we will fight back! If you persist in breaking your own laws we will counterattack. Our photographers will take your pictures as you enter and leave your fortresses; our reporters will note the license numbers on your cars; we will locate your residences and follow your movements. All this information will be printed in TUG, The Urban Guerrilla. Consider this carefully.

The FBI must have considered it carefully as they didn't accept the challenge. Ande was released on a reduced bond 9 days later after a blitz of "FREE ANDE LOUGHER" leaflets and spraypaintings covered San Francisco. While in jail, she gathered the material for "Health Care in the County Jail" (this issue) and released the following statement to the media:

WE WILL DECIDE

Most reasonable people realise that my imprisonment is harassment and intimidation pure and simple. The question is why? Certainly not because of the innocuous pamphlet I handed out to the Grand Jury at my first appearance.

I am in jail not for what I have done, but for what I believe. My support of the NWLF and of armed resistance to smash this death order is a threat that the ruling class is doing its best to stop. Our dedication to telling the truth about these bloodsuckers and our determination to establish a just order by any principled means is shaking their establishment at its very foundations and causing them to react in desperate and fascist ways.

Our dedication to freedom, justice and a decent life for all is a standing challenge to their deranged, degenerate death order.

This attempt to intimidate me is nothing compared to the millions who have been murdered, tortured, imprisoned and forced to live desperate lives by the United States government and the ruling class pig order it upholds. It is notable only in that it is a good indication of the tremendous struggle we have before us.

But we poor/working people will not be daunted by their show of arms, their brutality or their intimidation tactics. Their moral fibre is weak. They have no principle. Our united effort, combined with our actions based on principle and the needs of poor/working people as our guidelines, will bring these immoral and degenerate dogs to justice. Ultimately we will decide our fate and theirs.

Next the FBI descended on Kit again as he was driving away from PIR-1. Three cars of them backed up by two cars of San Francisco Police. They blocked traffic, screamed orders at each other, drew a crowd and were on the way to starting a riot as they ordered people to "move on." Turned out all they wanted was the car which they claimed had been seen at the sight of a "FREE ANDE LOUGHER" spraypainting.

The car was found "not guilty" and released a week later, covered with fingerprinting powder and the glove compartment door missing. Since it was registered to Marlene, the managing editor of TUG, she became the next target. First it was questions which she wouldn't answer and then a Grand Jury subpoena. The alleged purpose of the subpoena was to investigate spraypainting! She refused to answer any questions except name, address and occupation.

The information relay and lawyer, J. Tony Serra, started preparing for the legal battle to come. Included in these preparations was an opportunity to have members of the Grand Jury questioned by an investigator, a reversal of the Grand Jury process. From the investigation and subsequent testimony we discovered that the jurors had not even read the subpoena, that they did not feel intimidated, and that they did not even know that the prosecutor was bringing charges until they saw it on the news.

THE TRIAL

Ande's trial began on October 18th and the deck was well stacked: The Judge was pig Robert Schnacke who often travels to other jurisdictions to try cases the government wants to win. As one FBI agent would later say to another: "He's the government's last refuge in a storm." The storm raged for over two weeks with the FBI monitoring all the testimony and huddling with the US attorney during recesses. Most of the members of PIR-1 were excluded from the courtroom on a legal technicality. The jury took 15 hours to decide: Not Guilty. On hearing the verdict pig Schnacke remarked: "You're entitled to your opinion."

U.S. Attorney Ray Beitz presented the prosecution which included five witnesses. Four were members of the Grand Jury. Each testified that Ande had handed out the statement, but that there was nothing threatening about her. One witness admitted under cross examination that it didn't even occur to him that the statement might be considered a threat until Beitz pointed it out.

The prosecution's fifth witness was ex-foreperson Benson Lai. He testified that he had in fact received a call from the underground, and that his house had come under armed attack. These witnesses, along with the statement itself, constituted the prosecution's case.

THE DEFENSE: THE TRUTH

The defense was simple, we told the truth. We pointed out over and over again that this was in fact a case of government harassment, masterminded by the FBI and executed by Ray Beitz, first by using the Grand Jury process and then in the courts.

Members of PIR #1 told of the history of the People's Court Comrades and of PIR #1, and of our relationship to the NWLF Underground. We testified about the collective process, an alien concept to the judge and prosecution, upholders of the reactionary, individualistic, "me-me" order. We tried to show the jury that the government, in fact, uses the Grand Jury System to repeal the Bill of Rights.

Ande took the stand and told everything from her early childhood to her support of armed struggle and the NWLF. Finally she said that the statement was never intended to intimidate or threaten the Grand Jury.

ANOTHER PIG JUDGE

Judge Robert A. Schnacke did everything he could to bolster the lack-luster prosecution. He conducted cross examination and asked leading questions. He made prejudicial comments and allowed into evidence, at the last moment, old NWLF communiques that had no connection with the case. An obvious effort to prejudice the jury against Ande based on her political beliefs. He locked the doors of the courtroom and posted a guard during Ande's testimony and again during his jury instructions. The instructions were a deceit and mockery of justice. Schnacke exceeded and rewrote the law and even lied to the jury, saying that if there was a reasonable doubt in their minds, they should find Ande guilty!! Only after an infuriated protestation from NWLF attorney Tony Serra did he apologize for "misstating" himself and retracted his statement in front of the jury.

ANALYSIS

What can be learned from this Grand Jury / Court battle?

First we have an indication of how far the FBI, the government, the Ruling Class and all those who fear the truth are willing to go to crush out those who make the revolution. They are just beginning to realize that that they must give up their extravagant lifestyles and their greedy ways and already they grasp at any straw to imprison or murder those who stand up and fight the institutionalized, systematic slaughter of their death-order.

Our enemies will use every opportunity to demean us, and will seize on whatever they can to destroy us. To guard against this we must be sure that all of our actions are based on principle with the needs of poor, working people as our guide. Our enemies will run like cowardly dogs from a just and unified people, and from the might of the Peoples' Forces.

Secondly, it is clear that the principles, goals, and strategies of the NWLF were on trial, and rightly so. Everything we do, and all revolutionaries do, will be judged by our own standards and by the harshest of judges: poor/working people. They will never tolerate us, much less fight with us, if we act without principle in even the smallest of things. We told the truth. This is what the jury believed. This is what the people will believe. ■

IDENTIFY

Presently scattered throughout the left are groups and individuals who are truly committed to principled action in service to the people. It is to these groups and individuals that this letter is addressed.

The left encompasses a political spectrum which contains the political thought of everyone from Hubert Humphrey to George Jackson and if everyone who called themselves communists, socialists, leftists, revolutionaries, anarchists, Marxists, Marxist-Leninists, Maoists or guerrillas were truly and fully committed to acting in service to the people, the strategy for attaining a classless society would be clear.

Those of the left who recognize their political ideology to be the same as Hubert Humphrey and other liberals are beyond the reach of one letter and should begin with a study of Marx, Mao, Che.

Those on the left who have studied the writings of these and other great revolutionaries, who understand the nature of class warfare and do not do everything in their power to overturn this unjust, inhumane, dog-eat-dog, me-me, capitalist order must be recognized to be counter-revolutionary by principled leftists.

Some of these will be raw opportunists who hunger for personal power. If given the opportunity, these individuals would use the power of a united people to establish themselves at the top of a new class order as they did after the first American Revolution. Alexander Hamilton.

Some will be adventurists who do not really believe in revolution or revolutionary change but would use the righteous rage of the oppressed as a shield for their self-serving words and actions. Popeye Jackson.

WHOSE COMFORTABLE LIFESTYLES WOULD BE THREATENED BY A REVOLUTION?

There is even a small segment of the left who are infiltrators and informers for the thug-enforcers of the ruling class. Chepito Adornetto.

QUESTIONS

Indeed, there are so many selfish reasons for joining a left organization and/or trying to speak for oppressed people that it would take many whole TUGs to list them all, much less describe them. In order to come to a correct assessment of an individual or group from the left, first consider some of these questions:

Whose comfortable lifestyles would be threatened by a revolution? Who would benefit by thwarting the rise to power of the masses of poor/working people? Who is either from the poor/working class and struggling in the interests of their entire class or working toward overcoming a privileged class background for the purpose of understanding and joining with the masses of poor and working class people?

Who are actually willing to commit themselves to struggle through action and who are the "word merchants" who would have us postpone revolutionary action while a compromise with principle is worked out? Who would have us study theory yet not test that theory in practice? Who would have us act blindly without a foundation of principled theory? Who has something to protect, something to prove, something to gain or lose as individuals or organisations?

THE PRINCIPLED LEFT

It is important to identify counter-revolutionary persons or groups in order to forget about them. They have no future and are important only because of their temporary capacity to divert, neutralise or incapacitise revolutionary awareness. Look around you and identify others who share your revolutionary love of the people.

That love is a tool and a weapon in the war against greed, selfishness, competition and lust for power. Those of us of the left who share this love must identify and join with each other. We must identify those on the left who have been misled by opportunists, adventurers and other selfish people and struggle to arm them with this unselfish love and with principled theory. We must identify the others, the selfish, and allow them to go their way, eventually to openly join with those whom they now claim to fight.

The principled left must organize but if our organizations are to survive and carry us to total liberation they must be guided by principled theory. This requires study and practice for it is only through action that theory can be grasped and tested.

'If you and your comrades feel you are qualified and prepared to act as a unit of the peoples' forces, act! Study explosives and detonation devices. Expropriate or make what you need. Carefully plan and execute a combat action that serves the needs of the poor and oppressed. Criticize/self-criticize at every step."

If you and your comrades feel that you are best suited for intelligence work, act! If you feel you are better suited for communications work, move on that decision. Fight and organize to fight. Never sit back as an armchair philosopher and comment on those who are doing something, even if what they're doing is mostly learning from mistakes.

We would say, finally, do not be discouraged by the selfishness and disunity that you see around you. While the left in this country wallows in the mire of disunity, self-interest, and self-pity, the oppressed people of the world are rising-up in unity to take power from the greedy bloodsuckers of humanity by armed struggle and build an order that serves the needs of all people.

If you become discouraged, you need only look at Africa, Palestine, Southeast Asia or Latin America to be filled with hope. Look also at the concentration camps here in the belly of the beast which are schools for the study of theory and training grounds for the soldiers of the peoples' forces.

In the prisons and in poor communities and in the factories and in the fields, the people who live and struggle under the heel of the oppressor are striking back. If you are truly committed to serving poor and working people selflessly, identify them, learn from them, and join with them. ■

Continued from p. 12

labor. Through labor, they transform themselves into new men.

"Toward the people, on the contrary, it uses the method not of compulsion but of democracy. That is, it must necessarily let them take part in political activities and does not compel them to do this or that but uses the method of democracy in educating and persuading them."

CONTRADICTIONS

The concept of Anarchy covers a broad spectrum of political thought and it is important to remember that the contradictions between those who call themselves anarchists and the New World Liberation Front are not antagonistic.

Many anarchists are sincerely struggling to serve the direct needs of the people while others who claim to embrace Anarchy are, in fact, not anarchists at all. Martin Sostre provides a good example: while he calls himself an anarchist, at the same time he admits the necessity of principled leadership and provides such leadership himself. Whether we call such leadership coordination, and the people who provide it directors, coordinators, teachers or "a hell of a big influence" they are essential in our struggle for Total Liberation. ■

We have Prepared and Strengthened Ourselves with the Continuous Studies of Principled Theory, for the Divisive Elements that will be Thrust into our Midst. Using the Strength and Support of the People as our Arms and the Study of Principled Theory as Ammunition, We can only Win the Battle We Face.

PEOPLES' FORCES
Central Command
NWLF

WE HAVE NO CHOICE

REPRINTED FROM THE NEW YORK DAILY NEWS
WRITTEN BY THE CENTRAL COMMAND AND PIR-1

In this country, at least, there is enough for all, more than enough for every person to be able to live a decent, meaningful, productive life.

But the greedy few, the ruling class parasites who own everything and do nothing useful, feed us crumbs; unemployment, poor or no education, slum housing, poor or no health care, expensive and undernourishing food, and dungeons to imprison us for the crime of being poor.

We have worked hard for centuries to build this country. We settled the wilderness, farmed the land, mined the coal, built the railroads. We have watched the fruits of our labor be accumulated by the greedy parasites of the ruling class, who tell us who can work, where and for how much. In league with the big unions, they have turned us into pawns in a game of power, and the whole world suffers at their hands.

They desecrate and disrespect our cultures, feed off our work, drain and consume our life's blood. They have created and sustained a whole dog-eat-dog order and say that we, at the bottom, do not even have a right to share in what was stolen from us.

It would be absurd to continue to ask for freedom from the chains that enslave us. If all it took was asking, we all would have been freed long ago. History teaches us that freedom is never given for the asking; it must be fought for by a united people. We would only be fooling ourselves if we expected any better life for our children if we were not prepared to fight for the basic human rights that are denied poor and working class people.

This is a new fight for progressive-minded people from more privileged classes who now come to join us, but for the poor and oppressed it has been going on for a long time. Our class has produced great leaders like Geronimo, John Brown, Nat Turner and Lucio Cabañas, but every one of us must fight for our existence, from impoverished birth to early grave. For us, armed struggle is not a matter of choice; it is a fact of life.

By promoting racist attitudes and by holding out empty promises of a better life to those that sell out, the ruling class has successfully pitted us against each other. Manipulated by their media, we have fought, poor against poor, in Vietnam, Boston, Louisiana, Cambodia and Korea, to name just a few. We have struggled and died around the world, while the ruling class supplied the reason and the guns. We have fought our poor sisters and brothers in the next block, on the next tier, in the places where we gather.

WE HAVE BEEN DECEIVED AND DUPED, BUT WE WILL BE FOOLED NO LONGER; NOW IS THE TIME OF ACCOUNTING.

INJURIES ARE INEVITABLE

The New World Liberation Front combat units have attacked ruling class parasites or their lackies over 40 times, usually by bombing or firebombing. It is in the nature of bombs that they will injure or kill anyone nearby; it is in the nature of warfare that innocent people are accidentally or intentionally harmed. In Vietnam, the ruling class slaughtered hundreds of thousands of noncombatants, 20,000 in the Phoenix program alone.

WE WILL FIGHT FOR OUR FREEDOM

WITH OUR THOUGHTS,
OUR BODIES,
OUR GUNS,
AND OUR BOMBS

No person has ever been injured in an NWLF attack. It is, nevertheless, true that the most elaborate safeguards cannot guarantee 100% safety. Thug enforcers of this death order might refuse to clear a building, as has already happened to non-NWLF units; an innocent person might wander into a target area.

In addition, the NWLF does not have a noninjury policy. Two members of the San Francisco Board of Supervisors were attacked with bombs because they would not respond to NWLF demands; the Central Command has sworn to eliminate at least one ruling class pig if Gary Tyler is executed in Louisiana.

THIS IS WARFARE, AND NO ONE SHOULD HAVE ANY ILLUSIONS ABOUT WHAT THAT MEANS.

There is no stronger power than a people united. Armed with principled fury, we will drive the parasites of the ruling class, their thug enforcers and their "rich-feed-off-the-poor" order from our lives forever! We will fight for our freedom with our thoughts, our bodies, our guns and our bombs.

We fight for the right to a decent life for our children and in solidarity with our poor and oppressed sisters and brothers around the world. Neither we nor they have any choice.

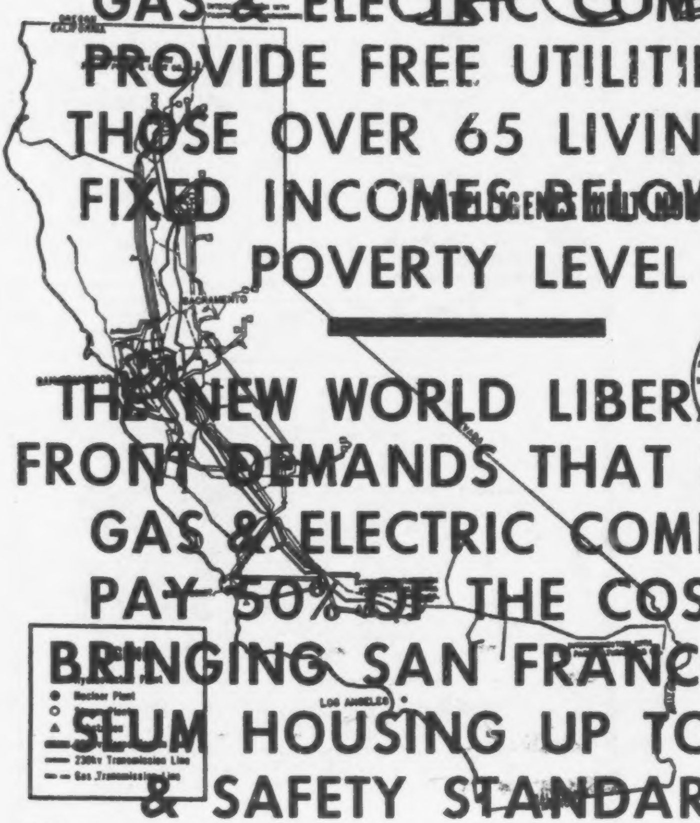
THIS IS A CLASS WAR, TOWARD A CLASSLESS SOCIETY AND TOWARD A NEW ORDER THAT SERVES THE NEEDS OF ALL PEOPLE. TO THIS STRUGGLE WE DEDICATE OUR LIVES. ■

CORPORATE BLOODSUCKERS

THE NEW WORLD LIBERATION FRONT DEMANDS THAT PACIFIC GAS & ELECTRIC COMPANY PROVIDE FREE UTILITIES TO THOSE OVER 65 LIVING ON FIXED INCOMES BELOW THE POVERTY LEVEL

PG&E

INTELLIGENCE UNIT NUMBER 2 REPORT


OREGON
CALIFORNIA
SACRAMENTO
LOS ANGELES
Nuclear Plant
230kv Transmission Line
Gas Transmission Line

THE NEW WORLD LIBERATION FRONT DEMANDS THAT PACIFIC GAS & ELECTRIC COMPANY PAY 50% OF THE COST OF BRINGING SAN FRANCISCO'S SLUM HOUSING UP TO FIRE & SAFETY STANDARDS

Have you ever been threatened with a shutoff by PG&E when you didn't have the money to pay them? Have you ever been shutoff or imagined what it would be like?

Your house becomes very cold and dark and your food rots in a useless refrigerator, your baby's bottle cannot be heated or cleaned, you must bathe in cold water. Your doorbell wouldn't even work.

If you were over 65 and forced to live below the poverty level on a fixed income, what would be your fate? If you were fortunate and had a lot of blankets you might survive until you could get together the money to pay their ransom. If you were sick, you might end your existance in the dark and the cold, another victim of this greedy enemy of the people and of the New World Liberation Front: Pacific Gas and Electric.

DEMAND

FREE UTILITY RATES FOR PERSONS OVER 65 LIVING ON A FIXED INCOME BELOW THE POVERTY LEVEL

PG&E came under attack by the Peoples' Forces for ignoring this demand in March, 1975 and have been attacked in a variety of ways 8 times since then. In order to fully understand why this particular corporate vampire was singled out as the NWLF's #1 target, this Intelligence Unit undertook an extensive investigation.

HISTORY

The history of PG&E is one of bribery and collusion with the Mayor and Board of Supervisors in San Francisco. A few examples:

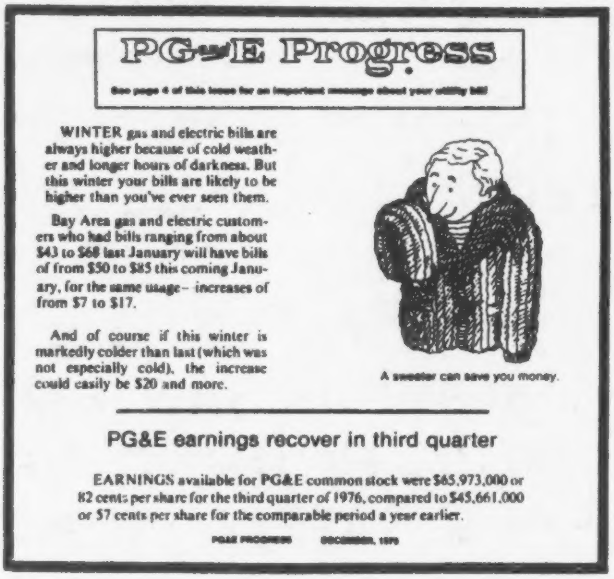
In 1905, 3 PG&E executives were indicted for paying $20,000 in bribes to the Mayor and Supervisors who had promptly agreed to a rate increase. That was only the beginning.

By 1939, the Supervisors had quietly drawn up a new franchise requiring PG&E to pay only one half of 1% of their revenues to the city. The franchise had no expiration date in clear violation of the city charter and was never submitted to the voters, another violation of the city charter.

Next was Hetch Hetchy: the people of San Francisco paid for a dam to flood the area and provide them with power. Transmission lines were run from the dam site to Newark, 35 miles away, when the Supervisors announced that the project was out of money.

By remarkable coincidence, PG&E had already run high-power transmission lines to Newark. The Supervisors promptly agreed to sell the Hetch Hetchy power to PG&E at Newark and PG&E has resold it to the people of San Francisco at a higher price ever since. No one knows how much in bribes this sweet deal cost the bloodsuckers at PG&E but it has cost the people of San Francisco millions. All this was in violation of another one of their laws called the Rakers Act.

Lest anyone imagine that this is ancient history, it should be noted that this bribery and collusion between PG&E and the San



PG&E Progress

See page 4 of this issue for an important message about your utility bill

WINTER gas and electric bills are always higher because of cold weather and longer hours of darkness. But this winter your bills are likely to be higher than you've ever seen them.

Bay Area gas and electric customers who had bills ranging from about $43 to $68 last January will have bills of from $50 to $85 this coming January, for the same usage – increases of from $7 to $17.

And of course if this winter is markedly colder than last (which was not especially cold), the increase could easily be $20 and more.

A sweater can save you money.

PG&E earnings recover in third quarter

EARNINGS available for PG&E common stock were $65,973,000 or 82 cents per share for the third quarter of 1976, compared to $45,661,000 or 57 cents per share for the comparable period a year earlier.

PG&E PROGRESS DECEMBER, 1976

Francisco board of supervisors currently costs the people of San Francisco over 22 million dollars a year. Of course, PG&E's expenses have gone up too. It cost $12,000 in 1971 just to bribe supervisor Bob Mendlesohn. When the bribe was discovered 2 years later they called it an "interest-free loan". How much of the 22 million the other supervisors are getting is anybody's guess.

WHAT IS PG&E?

Like most large utilities, PG&E is a monopoly. Even Dow Chemical (the war criminals who made napalm) has filed suit against PG&E for monopolistic practices and of the 48 counties "served" by PG&E, they have competition in only 2.

Besides the PG&E facilities themselves, the company owns Alberta & Southern Gas Company and the Natural Gas Corporation of California outright. They own Gas Lines, Inc. They own Standard Pacific Gas Lines, Inc. in partnership with Standard Oil, Co., one of the largest and most treacherous of the international corporate monsters. They own half of Pacific Gas Transmission Company and half of Alberta Natural Gas Company, Ltd. In electricity, gas and pipelines, PG&E has things sewed up tight.

WHO IS PG&E?

We are regularly bombarded with bullshit lies about how PG&E is a publicly owned utility. Statistics are spouted on the large number of stockholders in an attempt to deceive us into believing that PG&E is owned by the people but the truth is that the vast majority of the stock is owned by the very rich, usually other corporations.

The Bank of California owns more stock than anyone else, over 6 million shares. The Bank of California is itself completely owned by Bancal Tri-State Corporation and it's interesting to note that Charles DeBrettville, a Director of PG&E and target of a firebombing attack by the Peoples' Forces, is not only a director of Bank of California but is honorary chairman of Bancal Tri-State.

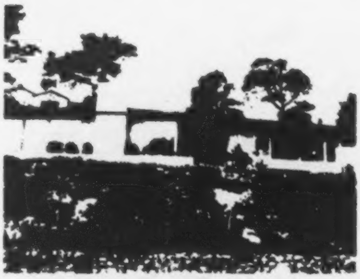
The Bank of America has gone to great lengths to hide their PG&E holdings. These butchering dogs have several dummy companies they hide behind and their combined holdings rank B of A among the top PG&E stockholders. Walter Haas represents Bank of America interests on the PG&E board of directors and also sits on the board of Bank of America. This pig is also the head of Levi Strauss.

Equitable Life Assurance and Savings Bank Trust Company own nearly a million shares apiece. The Insurance Almanac calls Equitable "one of the strongest, safest financial institutions in the world" and Savings Bank Trust is a "central banking institution" that serves East Coast banking interests. It is owned by only 173 stock holders. Merrill-

"What do these enemies of the human race look like?
They are the respectable ones. They are the pillars of the state, of the church, of society.
They support private and public charity out of the excess of their wealth. They endow institutions.
In their private lives, they are kind and considerate. They obey the law. Their law. The law of property...

BONNER

John F. Bonner is the President and Chief Executive Officer of PG&E. He joined the company in 1937, has been on the Board of Directors since 1969 and President since 1972. His salary is close to $200,000 a year (not including stock options and the like) and he owns a big chunk of PG&E stock. He is on the Board of Directors of a number of companies including several PG&E subsidiaries. He lives at 5678 Margarido Drive in Oakland.



Lynch, the world's largest stockbrokerage house, also ownes close to a million shares. Merrill-Lynch virtually runs the New York Stock Exchange which itself owns close to a million shares of PG&E stock.

Other large holders include the Bank of Delaware (through a dummy corporation), the New York Life Insurance Company, Chase Manhattan Bank (Rockefeller) and Pacific and Company. Pacific owns close to a million shares and is another dummy company. This Intelligence Unit has not yet been able to determine who the real pigs behind this dummy company are.

...There is one sign by which these gentle gunmen can be told:
Threaten a reduction on the profits from their money and the beast awakens in them with a snarl.
They become ruthless as savages, brutal as madmen, remorseless as executioners.
There can be no permanent peace in the world while they live! Such men as these must perish if the human race is to continue."
Norman Bethune

PETERSON

Richard H. Peterson is Chairman of the PG&E Board of Directors. He joined the company in 1947, has been on the Board of Directors since 1970, and Vice Chairman of the Board since 1972. It's not clear what his total salary is but he owns or is trustee of more stock than any other Director. He lives in a castle (see photo) at 2600 Vallejo Street in San Francisco.

Besides those already mentioned, the executives and directors of PG&E not only sit on the board of directors of the subsidiary companies but other corporate giants as well. These include Safeway, Potlatch Corp., Del Monte, Pacific Telephone, Almaden, Wells Fargo and the Federal Reserve Bank to name just a few. Not surprisingly, all of the above qualify for special, low utility rates.

In other words, PG&E is a tentacle of the corporate colossus that enslaves the world and fills it with suffering. Look at Iran, Korea, Nicaragua, South Africa, Chile, Harlem or Hunter's Point and in every case you will find the same few greedy vultures sucking the lifeblood of the poor and oppressed. The Rockefellers, De brettvilles, and Petersons; Walter Haas, John F. Bonner: the ruling class. PG&E is one of their corporate names. Selfishness is the name of their game.

THE CRIMES OF PG&E

PG&E's crimes against the people do not end with squeezing the elderly poor for every possible dollar in order to give their corporate partners in crime cheap gas and electricity. They do not end with bribery of elected officials and collusion with them to break the laws that are supposed to protect the lower classes from the most outrageous excesses of the ruling class. Their crimes do not even end with outrageous rip-offs like Hetch Hetchy. Add also to the list:

The spending of millions of dollars of the peoples' money to bullshit them into believing that their nuclear power plants are safe when scientists say only luck has prevented the death of millions by slow, agonizing radiation poisoning.

The spending of millions of dollars of the peoples' money annually for "advertising". Why a monopoly needs to spend even one dollar for advertising has never been explained.

An attitude toward their workers so callous that they have even forced them to expose themselves to grave risk of injury from an attack by the peoples' forces after having been warned that such a danger exists. "Go to work or lose your job" is their policy.

These are some of the crimes of PG&E and they're only the

REVOLUTIONARY TACTICS & WHERE TO FIND MORE

PEOPLES' FORCES
Central Command
NWLF

We claim full responsibility for the PG&E bombing Sunday night at Roseville.

Our war against PG&E is showing the people how much the ruling class and their thug enforcers can be drained and diverted with minimal effort, left chasin' their asses and spending millions protecting themselves. These dogs have no choice but to go for what is put before them.

It erases fear in the people to see these thugs' incompetency and arms the people with an understanding of revolutionary tactics. It is important to get hold of revolutionary material and learn these tactics. We must study to arm ourselves with these tactics if we are to have the revolutionary tools to fight these hired thugs of the ruling class.

We recommend that people read The Art of War by Sun-Tzu and Carlos Marighela's section on War of Nerves in For The Liberation of Brazil to get more familiar with these tactics.

We, the people, must benefit from our labor and not the leeches of the ruling class. Organize, unite, study, settle petty differences.

We send our warmest love to all people living under the heel of this beast and to all comrades struggling against this decadent order.

Toward a Just Order where the people control all production. Toward Total Liberation! Hasta la Victoria, Siempre!

misdemeanors! PG&E and their corporate cohorts are directly responsible for imperialist wars in the Middle East, military dictatorships and a state of virtual slavery in Chile, South Korea, Nicaragua and the Philippines to name just a few. They are responsible for the secret police in Iran, genocide in South Africa and hunger throughout the world. They are responsible for a degenerate order that glorifies selfishness, greed, lust for power and profit-on-pain. PG&E is the enemy!

WHAT CAN BE DONE?

Few would be foolish enough to believe that PG&E will stop their crimes against humanity for any of the kind of motives that move loving human beings. PG&E will never meet the demands of the New World Liberation Front because they are just demands. PG&E is owned by mad dogs, deranged buzzards, pigs, slugs, vampires. Being less than human, they respond only to force or the threat of force by their victims.

To press their demands, the Central Command and the Combat units of the NWLF have: bombed PG&E offices, firebombed the home of one of their directors, bombed towers and substations, cut through poles, and promised a lot more. They have called on the people to mount an offensive against PG&E that will force them to yield.

WHAT YOU CAN DO

The information in the following paragraphs was taken from communiques written by the Central Command. Neither this intelligence unit, PIR-1 or any of the staff of TUG are advising anyone to commit illegal acts.

The Central Command advises all comrades who want to join the PG&E offensive to bring pressure to bear in the following ways: Break PG&E windows in buildings and vehicles. A sling shot and one quarter inch steel ball-bearings are recommended. If you make your own slingshot, use thick surgical tubing. "This slingshot will fire ball-bearings noiselessly which will go completely through and crack the window, a reminder for all to see and an inspiration for people wanting to confront this beast."

PG&E trucks can be completely destroyed by puncturing the gas tank with an icepick. Put a lit non-filter cigarette in a book of matches and place it just uphill of the spilling gasoline. A Pall Mall takes about 12 minutes to burn down. Experiment before using this type of simple fuse.

In addition to these methods of attack, the Central Command recommends bomb threats (from a payphone, of course) and other types of psychological warfare.

WAR OF NERVES

On July 5th, the Central Command released this short communique: "Stay away from all PG&E sites in the Bay Area until after July 10th. 3 calender clocks have been placed at 2 PG&E sites. There will be further attacks." This message was addressed to PG&E workers who were immediately threatened with dismissal if they failed to report for work. Security in every area was intensified and everybody nervously counted the days.

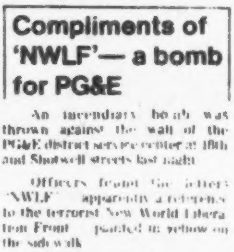
On July 10th the Central Command notified TUG that the July 5th communique was released not only to demonstrate to PG&E workers how little their bloodsucking bosses cared for their safety but also to begin a war of nerves campaign. There were no bombs.

At Roseville, a few days later, there was a bomb and the new tactics were taken a step further (see box).

Just the threat of an attack costs PG&E many of their stolen dollars. Their far-flung empire is impossible to defend and yet they must try. As Sun Tzu says in The Art of War: "The enemy must not know where I intend to attack. For if he does not know where I intend to give battle he must prepare in a great many places and when he is prepared everywhere, he will be weak everywhere... All warfare is based on deception... The primary target is the mind of the opposing commanders... To win one hundred victories in one hundred battles is not the acme of skill. To subdue the enemy without fighting is the acme of skill."

100 BATTLES

This Intelligence Unit has no idea how many times PG&E has had to respond to a bomb threat or an attack by the people or their own employees since they go to great lengths to suppress such information, lest it inspire other threats and attacks. Outraged attacks are given little or no news coverage. For example:



Compliments of 'NWLF'— a bomb for PG&E

An incendiary bomb was thrown against the wall of the PG&E district service center at 18th and Shotwell streets last night.

Officers found the letters "NWLF" — apparently a reference to the terrorist New World Liberation Front — painted in yellow on the sidewalk.

S.F. EXAMINER—Page 27

A new underground group who call themselves the Peoples' Light Brigade (see communique this issue) joined the offensive with a bombing attack in Mill Valley and restated the NWLF demand for free utilities for the aged poor. In addition, they demanded that the money come out of the salaries of the top executives.

PEOPLES' LIGHT BRIGADE

We, Peoples' Light Brigade, are convinced that passive resistance is no longer an effective tactic.

On September 30th at around 9:45pm we took our first armed action against PG&E, in Marin, on Lomita Road. We took this action because of the attitude of the rich of being in the "dark" about the needs of poor and working class people.

We plan to push a demand much like the NWLF has made that was ignored by PG&E. We demand that the top salary's payed to top pigs on the PG&E board be cut immediately, so that people over 65 living below poverty level on fixed incomes can be given free utilities!

We have put many rich pigs in the dark by our action!

Unless this demand is met we will soon put some rich pigs in their graves!

To those in struggle we send our revolutionary love. We welcome all constructive criticism of our action.

We have estimated that the cost of meeting the NWLF demand for free utilities for the aged poor living below the poverty level on fixed incomes would be $4 million a year. For perspective, PG&E estimates that their income this year just from ratepayers will be over $5 billion dollars! Try to imagine that much money being spent and cut-up by greedy PG&E stockholders while you scrape together all your money to keep the heat on this winter. Does it make you angry?■

LET'S QUIT TALKING

A SYNTHESIS OF 3 COMMUNIQUES RECEIVED BY PIR-1

A few days ago we firebombed a PG&E vehicle near 18th and Noe in San Francisco. Last night we bombed some PG&E generators. These actions were taken in support of the New World Liberation Front's just demands:

1. Free utilities for persons over 65 living on fixed incomes below the poverty level.

2. PG&E to pay 50% of the cost of bringing San Francisco's slum housing up to fire and safety standards.

The night before last we firebombed the Bank of America in Hayward. This action was taken in support of revolutionary freedom fighters in Azania (South Africa) and in support of the NWLF campaign against the brutal, fascist regime in that tortured country. The Bank of America helps finance this slave state.

PG&E, Standard Oil, the Bank of America, what's the difference? They're all fucking with us and robbing us. Let's quit talking, generate our own power, and short-circuit PG&E!

Big business takes everything from the poor; they make it hard for us just to stay alive. We don't have to and will not stand for it. We'll fight back! We must do something to change this corrupt system. People are flippin' out, being burned alive, and nobody's doing much except talking. We're tired of that bullshit!

TO THE NWLF

We see what you've been doing in San Francisco and we're ready to help. We see what's happening and we see that the NWLF isn't just talking, you're moving!

TO PG&E

We support the demands made upon PG&E by the New World Liberation Front. If they are not met, there will be further attacks. We will fight for a better life!

FRIENDS & NEIGHBORS OF THE POOR

FROM NWLF INTELLIGENCE FILES

PG&E DIRECTORS	HOME ADDRESS	ALSO DIRECTOR OF
R. M. Cook	850 Powell # 104 - S.F.	Wells Fargo Bank, Litton Industries
R. P. Cooley	1055 California # 12 - S.F.	Wells Fargo, Northrup, United Air
Charles R. Dahl	1170 Sacramento # 9-D - S.F.	Crown-Zellerbach, Federal Reserve
Charles deBrettville	1304 Canada Rd. - Woodside (Firebombed by NWLF)	Bank of California, Amfac, Safeway, Shell Oil, Western Union Telegraph
Alfred Eames, Jr.	85 Laburham Rd. - Atherton	Del Monte, Bank of California, Bancal Tri-State, Fireman's Fund Insurance
W. A. Haas	2100 Pacific # 19 - S.F.	Levi Strauss, Bank of America
James Hait	6154 Montgomery - San Jose	Georgia-Pacific, Wells Fargo, FMC Corp., Arthur D. Little Inc., Varian
R. H. Gerdes	61 King Avenue - Piedmont	Fireman's Fund, Edison Electric Inst.
Porter Sesnon	1100 Sacramento # 60N - S.F.	Watkins/Johnson, Sesnon Estate
E. G. Soloman	2100 Jackson - S.F.	Crocker Bank, Almaden, Union Sugar

Revolutionary Flames in Africa

COMMUNICATIONS
PIR-1
NWLF

On December 12, 1976, a bomb was placed at the offices of the Union Carbide Corporation in Needham Massachusetts by the Sam Melville/Jonathan Jackson unit.

This attack was to protest the brutal murders of blacks in the area of the world whites call South Africa.

It would be impossible to fully describe the crimes of the white ruling class in that country and so this article is a brief summary of the excellent Melville/Jackson communique.

This unit is not part of the New World Liberation Front but the entire communique is available from PIR-1 on request.

In addition, PIR-1 has a copy of the movie Last Grave at Dimbaza which was secretly filmed by guerrilla freedom-fighters in that country and smuggled out.

We will be showing this film free in poor neighborhoods in San Francisco and it is available to other organizations.

AZANIA

The ruling class call this country at the southern-most tip of africa South Africa but the people call it Azania. It is bordered by Botswana, Zimbabwe (called Rhodesia by the ruling class), and Namibia (see map).

Azania is incredibly rich for some: General Motors, Union Carbide, 300 other U.S. corporations and the South African Ruling class; the poor exist at or below the starvation level and thousands do starve every year. The ruling and middle classes own 87% of the best land while the poor are forced to live (and die) on the worst 13% in reservations. There are 4 million whites and 18 million blacks and asians.

BANTUSTANS

The reservations are called Bantustans and it is the plan of the white ruling class to isolate all non-whites in these wastelands which are already horribly overcrowded. Most of the money the government spends in the Bantustans is on white salaries and maintenance of their repressive apparatus.

Almost half of all the "legal" executions in the world are done in Azania by hanging and it is not uncommon for several prisoners to be executed at the same time. Hundreds of thousands of the poor are in prisons where they are subjected to forced labor, starvation diets, lashings and beatings, murder.

Since the ruling class feel that there are are already far too many blacks, they have implemented a policy of genocide. The infant mortality rate is estimated to be 40%!! Graves are dug for unborn children a month in advance!! Those murdered are described as surplus, surplus!!!

TOWNSHIPS

Many of those lucky enough to find work go into the mines where 90% of the work force is black and the rest are lackeys and thug-enforcers for the ruling class. To become a mine-slave you must separate from your family, usually for 9 months at a time, and live in a camp that is very much like a prison. You cannot strike or even organize and are paid starvation wages. There is also the dreaded Black Lung Disease... The Townships are no better.

The Townships are ghettos that are close to but physically separate from the white areas. Increased industrialization has necessitated allowing blacks to live in the urban areas but their families must remain behind on the Bantustan, a permit is required, and the few "rights" of those in the Bantustans are lost. Permits are revocable without cause or warning and you can be evicted from a Township at any time. Such a place is Soweto.

PASS LAWS AND PROFITS

The physical separation of the races is the basis for the pool of cheap labor needed by U.S. corporations and the South African ruling class. Pass laws are instrumental in separating and controlling the African people. These laws force all Africans to carry a pass on them at all times and contain personal biographies, details of employment, and records of permits to travel or reside in a particular place. Africans can be stopped by the fascist police at any time, even in their homes, and forced to produce a pass. If they cannot, they are immediately arrested. More than 3,000 Africans are arrested every day for Pass Law violations!

This racist system of separation ensures a constant supply of cheap labor for mining operations and industrial manufacture in Azania. The name of the game is profits and they are reaped by U.S. corporations.

HISTORY

After 1961 and the Sharpeville Massacre where many were killed (10 of them children) and hundreds wounded by the fascist police during a peaceful demonstration, the South African government experienced a severe economic crisis. Fearing a revolution, many foreign investors withdrew their capital, the stock market weakened and foreign exchange holdings dropped to a low level. Many felt that this crisis would lead to a collapse of the fascist South African government and an end to apartheid (racial segregation) in that country.

At the height of the crisis, American corporations increased their investments by $23 million and their imports from South Africa by $50 million. That was just the beginning.

Ford, General Motors and Chrysler all committed millions for investments and expansion. Chase Manhattan Bank and First City National Bank led the way as a group of U.S. financiers made emergency loans of $85 million to the South African government. Union Carbide, General Motors and other U.S. corporations have made large contributions to the "South African Foundation" which conducts worldwide propaganda and lobbying activities in defense of apartheid. By 1976, loans to the South African government by U.S. corporations and their foreign subsidiaries had passed $2 billion dollars! In October, U.S. banks signed another $110 million dollar loan.

Tunisia
Morocco
Algeria
Libya
Spanish Sahara
Senegal
Mauritania
French Somaliland
Sudan
Gambia
Guinea-Bissau
Guinea
Sierra Leone
Liberia
Upper Volta
Togo
Dahomey
Central Africa
Ethiopia
Somalia
Equatorial Guinea
Cabinda
Angola
Zambia
Mozambique
Namibia
(South West Africa)
(a former mandated territory of South Africa illegally incorporated into the latter's territory)
Botswana
Swaziland
Lesotho
Countries which have gained independence
South Africa
(Azania)
(ruled by white racists)
Zimbabwe (Rhodesia)
(ruled by white racists)

U.S. corporations and banks are not investing these huge amounts of money in Azania for humanitarian reasons. They are assured of a continuing supply of cheap labor and profits by an unprecedented wave of repression and terror unleashed on the people of Azania by the South African government through its police forces. The effect has been to demonstrate to U.S. investors that the government could enforce apartheid and provide a favorable business climate. In return for unprecedented loans and investments, U.S. banks and corporations were assured unprecedented profits.

RESISTANCE

Black Azanians have a heroic history of resistance to oppression. They have always resisted! In the 20's, 30's and 40's they organized their own trade unions and a political organization, the African National Congress, (ANC). Later they would organize the Pan Africanist Congress, (PAC). In 1952, in response to continued repression, blacks organized the "defiance Campaign" and defied the Jim Crow segregation laws.

In 1955, the ANC used 50,000

volunteers to collect "freedom demands" from all the sectors of Azania and the "freedom charters" that followed clearly expressed the will of the people for freedom and self-determination.

In 1959 after police had killed 13 Namibian demonstrators protesting Bantustan policy, the South West Africa Peoples' Organization (SWAPO) was formed and increased the struggle for national liberation. In 1960, PAC organized a nationwide "stay at home" challenge to the pass laws and the government outlawed all opposition, banning all African political organisations including ANC and PAC. Both organizations formed military units.

GUERRILLAS

Some of the members of ANC and PAC stayed in South Africa and initiated armed actions against the government including sabotage and bombings. Others trained as guerrillas in the liberated areas of southern Africa.

In 1967, 20,000 demonstrators from the Federation of South African Women converged on Pretoria to denounce the extension of the pass laws to include women and in 1973 nearly 50,000 militant workers marched through the streets of Durban to demand better wages, to demand better working conditions, and to demonstrate opposition to the fascist government. In 1975, 12,000 workers of the Vaal Reefs gold mines (owned by Anglo-American Corporation) struck to protest the inhuman conditions.

In 1976 in Soweto township 10,000 students were viciously attacked by police during a demonstration. 6 students were killed and scores wounded. The brave people of Soweto fought back and within days hundreds were killed, thousands injured or imprisoned.

The uprising quickly spread to other townships, Bantustans and schools. Government buildings and other symbols of apartheid were destroyed as millions stood up and struck back. The lie that it was a racial conflict was exposed when white students took up arms and fought beside their black comrades in the first major battle of a class war.

The ruling class unleashed a reign of terror that is still in progress: hundreds killed, thousands imprisoned, countless injured. Police have arrested the Azanian political leaders and many children. Prisoners have been beaten and tortured by hanging from rafters (by the neck!), long periods without sleep, and anything else a deranged mind can imagine.

PROFIT ON PAIN

It is the South African ruling class and foreign capitalists — who profit from the racist, apartheid policies of the white, minority government enforced through violence and terror. The resistance and demands for self determination not only threaten profits, they are a standing challenge to imperialism itself.

Every liberation movement that achieves a victory against imperialism weakens its power over the poor and oppressed throughout the world. Against an international order of imperialist expansion, war, power and greed we must forge an international army of liberation.

Our task in the belly of the beast must be to provide principled armed support to oppressed people who are struggling for liberation. We must attack the enemy from within. A thousand times we must attack the enemy for it is strong... and vulnerable.■

We're Involved in a War -

A People's War against those who oppress the People.

This is War in the Clearest Sense of the Word.

WEIGHTIER THAN MOUNT TAI

In September the world saw the passing of one of its greatest leaders and thinkers, the Chairperson of China's Communist Party, Mao Tse Tung. His death was met with great sadness by millions of Chinese and progressive minded people.

In looking at China from the outside, Mao's tremendous influence is readily apparent. Literature, posters, plays, songs, and all manner of communications centered around his theory and his life. Never claiming to be a god, a teacher, or even a philosopher, this man inspired millions of people around the world.

His leadership is unparalleled, for through his theory, practice, guidance, and love, he catapulted millions of people to a new level of consciousness.

The people of China have joined together en masse to create a new and better life for all the people of their country. They were able to do this by casting aside self-centered individualism, and by realizing that struggling for a better life for all the people would directly result in the betterment of their own lives - materially and in their struggle to become more fully developed, loving human beings.

This tremendous struggle of the Chinese people has been waged on many levels including resistance to the colonial imperialist invasion by Japan, armed resistance waged against the armies of Chiang Kai-shek and other reactionaries, and the battle waged against counterrevolutionary philosophies and attitudes among the people.

LEADERSHIP

Guided by Mao's thought they were able to draw upon their own creative potential to solve seemingly overwhelming and wide ranging material, political and cultural problems in their society. They were in fact able to change the entire structure of their society from a semi-feudal order in which many lived desperate lives in slavery and utter poverty - to a socialist society where by a united effort the basic needs of all the people became top priority.

This process changed China from a technically backward underdeveloped country to a nation of millions dedicated to the betterment of their own lives and the lives of all people.

Mao Tse Tung by his theory, practice, and love - united, organized, and inspired people to master their own destinies.

All the people of the world and their leaders can look to Mao Tse Tung for an unprecedented example of the power of revolutionary consciousness, theory, and practice to bring about a new order, a new life and a new world.■

MANUAL OF WARFARE

HEAVILY ARMED

THE AUTHOR IS A VETERAN WHO QUALIFIED AS AN EXPERT MARKSMAN WITH A VARIETY OF SMALL ARMS.

Underground revolutionaries who are practicing armed struggle must be heavily armed and well trained in the use of the weapons available to them.

What does it mean to be "heavily armed"? It means to be equipped with powerful combat weapons, firearms, that are comparable or superior to those carried by the police. Specifically, this means that if the police carry .38 revolvers or 9mm automatics, plus shotguns, then the revolutionaries must carry .357's or .45's, or some other large calibre hand gun, plus shotguns of the 12 gauge pump variety.

Why should revolutionaries be heavily armed? Practice has shown that there is profound survival advantages in being so armed. For example, the whole later history of the SLA was drastically effected by the capture of Remiro and Little in Concord, following a shoot-out with a cop. The cop had stopped them and Remiro engaged him in gunplay, and Little did not have a gun available at all. If both had been heavily armed at the time, they would have been able to have overwhelmed the lone cop in all probability, and to have escaped, instead of doing life terms.

They were engaged in doing revolutionary practice, but they were not heavily armed when they should have been. The SLA has criticized itself on this point. You've got to carry the weapon and be prepared to use it at all times when conducting underground business or when otherwise vulnerable to a heavy bust.

EXPROPRIATION

There is no exception to this rule of practice when doing something that is bound to attract the police and where the likelihood of combat is great, like in a bank expropriation.

The George Jackson Brigade has criticized itself for not being heavily armed during its disasterous bank robbery attempt in Seattle earlier this year. One of the comrades was killed, one wounded, and a third surrendered unharmed.

In a communique, they say that the backup unit outside the bank was not properly armed to deal immediately with the police as they arrived. This was a very bad mistake. It sounds like the backup people only had handguns, when they should have been equipped with shotguns, carbines, or assault rifles.

These comrades were also overwhelmed by the immediate gunplay of the cops. They were psychologically unprepared for an armed confrontation, as well as being physically unprepared.

The arrival of the cops should have prompted the immediate superior firepower of the lookouts followed by a crossfire from inside the bank and an immediate escape. Instead, the cops opened up as soon as they saw an armed comrade, supposedly "trying to negotiate, so as to prevent any possible harm to the innocent bystanders in the bank".

The expropriation had not been well planned or rehearsed, in contrast to the well done Hibernia expropriation of the SLA.

The Hibernia job is a good example of the minimum correct armament. The photos indicate that most of the team was carrying carbines. Later, the successful escape of the Harrises following a burst of automatic carbine fire by Patricia Hearst clearly shows the survival value of being heavily armed, and psychologically prepared to take action immediately.

Unless you're a match for the cop, pulling a gun on him is like signing your own death warrant, or checking into Folsom for a life term.

HANDGUN SELECTION

To be scientific about handgun selection, you should anticipate the circumstances in which you would need the gun. In a surprise encounter with a cop you would want a weapon at least as effective as his, and preferably one that would give you as much advantage as possible.

The FBI is known to carry .357 revolvers with 3 inch barrels; Berkeley Police Dept. uses 9mm automatics and .38's; all police agencies use at least the .38. So revolutionaries should strive to equal or surpass the weapons carried by the police.

This means buying expensive weapons. Five shot Rossi .38's will not do, neither will .380 automatics, or .32's, or .25's, or snobnose .38's. The weapon must be comparable or superior to the cops. A snubnose .38 is not comparable to a police service revolver in .38 with a 4 in. or 6 in. barrel. Your freedom is worth the extra hundred it costs to buy a good .357 or a .45 automatic.

The best combat sidearm in the world is generally accepted to be the Colt .45 automatic. It was developed by the U.S. Army in the early 20th century, field tested in the campaign of genocide against the Moro tribe in the Philippines. The army chose the .45 because it has sufficient stopping power to put a man down with one shot in any part of the body (the .38 does not, and neither does the 9mm).

The .45 is very concealable. It is flat and thin and since there is no cylinder it can easily be held under a belt or in a purse. The recoil is significantly absorbed in the operation of the slide, making it much easier to shoot rapidly on target than any .38 calibre revolver and up.

This weapon has been the standard sidearm of the army for more than 60 years. Parts are readily available, ammunition is plentiful, and there are many good used .45's for sale. In 1950 Colt brought out the .45 Commander, identical to the GI issue, except it has a barrel an inch shorter.

The Commander, and the Combat Commander, are preferred by many gun experts because the shorter barrel seems to result in a better balanced gun, and it is lighter and more concealable.

The automatic can be fired more rapidly than a revolver, and it can be instantly reloaded by shoving in a new clip. In a combat situation an automatic is definitely superior to a revolver for this reason alone, which is why some police departments allow their men to carry automatics, as in Berkeley. The .45 can be fired well by women and teenagers, it does not require a fullgrown man to fire it accurately, contrary to popular misconceptions.

It can be safely carried "cocked and locked", with one round in the chamber (as is the practice of the military police), so that it can be brought into action faster than a double action revolver or automatic. All that is required is to flick off the thumb safety to fire eight very fast shots.

Two 9mm automatics, the Browning Hi-power and the S&W M-59, are favored by some movement people because of their supposedly superior firepower related to their high capacity clips (13 and 14 shots, respectively). However, these clips, in which the rounds are stagger-fed instead of straight-fed, are more prone to jamming than the straight-feed clip of the .45. In a chance encounter with a cop, the .45 can be instantly reloaded with a fresh clip after eight shots, if necessary.

A RIFLED SLUG CAN STOP A POLICE CAR AT 75 TO 100 YARDS

The Colt, S&W, or Ruger .38 with six shot capacity and a 4 inch barrel should be the absolute minimum that a revolutionary would carry. Snubnose .38's are good second guns, or backup guns, they should never be the sole armament relied on by a revolutionary, because they are much less accurate, harder to fire quickly on target, and less powerful than even a 4 inch barrel .38, which the cop will have.

All automatics in calibres less than 9mm should be avoided. This means that all PPK's are inferior because the most powerful cartridge they can handle is the 9mm short, or the .380, both of which have less than half the energy of the standard .38 revolver. A .32 or .25 automatic will get your ticket punched to the morgue, because they lack accuracy and killing power.

The Polish manufactured Random 9mm auto and the German P 38 are reliable weapons, but they are inferior in many respects to the .45 automatic. (They are less powerful and parts are hard to get.)

A 9mm should be the minimum calibre automatic that a revolutionary would arm themselves with. The Colt .45 automatic is a superior weapon and will give the owner an advantage over the cop armed with a 9mm or a .38.

Charter Arms has come out with a highly acclaimed revolver in .44 special, called the Bulldog, with five shot capacity and 3 inch or 4 inch barrel, however this calibre is not as versatile as the .357 and it is not readily available, and again, it suffers from the disadvantage of its small capacity.

George Jackson's favorite handgun was the .45 revolver, however, the .357 would be a better choice because it is more powerful and flexible (since it can also accept the .38 shells). The .41 magnum and .44 magnum are too powerful and large to be practicable in a combat situation.

Ruger makes a good, reliable series of .357 revolvers that retail new for about $140. The police service six and the speed six in a 4 inch barrel are a good investment in security, especially since they can also use the .38 cartridge for practice purposes or in case of emergency. Smith and Wesson and Colt produce more expensive versions of the.357, which are also very reliable.

SHOTGUNS

Shotguns used should be limited to 12 gauge pump guns, since they are reliable and have a higher magazine capacity than automatic shotguns. Buckshot loads or rifled slugs are the recommended ammo. A rifled slug can stop a police car at 75-100 yards, and is the most powerful slug available besides an elephant gun. Double barreled shotguns are not recommended because of their limited capacity.

In an urban situation, such as a bank expropriation, a 12 guage pump gun is definitely a superior weapon. Many police departments equip their patrol cars with 12 gauge pump guns prominently displayed attached to the front dash.

CARBINES AND ASSAULT RIFLES

The .30 carbine is very popular with revolutionaries, however it lacks killing power. The AR-15 (the civilian version of the M-16) or other high powered civilian carbines are preferable, even though they are at least twice as expensive. But if you are going into a potential combat situation, the extra hundred bucks may mean the difference between walking or being captured.

The cops will have high powered automatic carbines like the M-16, so you need to be in the same league, and the .30 carbine doesn't make it. M-16's and AK-47's are also available and are well worth the money. Either will give the cop no advan-

advantage. The AK-47 is regarded as being the best assault rifle in the world, and the M-16 is a superior weapon.

The Native Americans who dispatched two FBI agents at the Pine Ridge Reservation used AK-47's. This is another good example of the advantage of being heavily armed. The extra cost of these weapons can be recovered after your first successful expropriation.

Revolutionists must be well trained and prepared to use their weapons immediately in an unexpected encounter with the police. They must have planned in advance what they will do if such a situation develops unexpectedly.

When engaged in practice that involves a great probability of armed conflict, they must be prepared to apply overwhelmingly superior firepower immediately in order to escape before the police can surround them with superior forces that would make escape unlikely.■

DETONATIONS

PEOPLES' FORCES
Central
Command
NWLF

It is possible to initiate an explosion electrically, even if using a fuse-type blasting cap. All the materials required are inexpensive and easily obtainable.

MATERIALS REQUIRED

off the small hand if you require less than an hour before detonation. If you require more than an hour, remove the large hand. If the watch has a sweep second hand, remove it as well. If you experience difficulty in taking the watch apart, crack the crystal and take the watch to

is deep enough to make contact with the remaining hand as it passes.

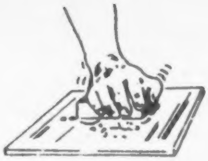
HOOKUP

Attach the insulated alligator clips, "snap-on" battery conn-

FERTILIZER EXPLOSIVE

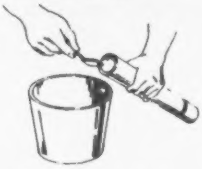
Combat units without access to dynamite, water-gel, plastic, or other types of commercially available explosives can make an explosive munition from fertilizer grade ammonium nitrate and fuel oil or gasoline and motor oil in equal parts. When properly prepared, this explosive munition can be detonated with a blasting cap.

MATERIAL REQUIRED



This fine powder will attract moisture from the air and become spoiled so you should proceed to the next step immediately.

store. Get a second threaded cap for the other end and drill a hole in it for a more powerful explosion. The second threaded cap can be omitted if a drill is not available. If threaded pipe is not available, a dry tin-can, glass jar or heavy cardboard tube can be used although it will not be as effective.



DO NOT tamp, shake or pack the mixture into the pipe. If the mixture is too tightly packed one blasting cap will not be sufficient to initiate the explo-

Continued from p. 14

We are still sending free subscriptions to our sisters and brothers locked down but because of the prohibitive mailing costs we encourage anyone who can afford the cover price to please send it. If you have some extra cash and want to support the continuance of the information relay we will gladly accept any donations that can be sent to help absorb some of the costs of supplies, paper, stamps and printing material that must be purchased.

We also encourage people to pass copies of TUG on, so that we can affect the widest distribution from the limited amount of TUG's that can be printed at this time. Read, study, re-read, and pass it on; then discuss the ideas that are presented.

To illuminate the injustices being perpetrated against poor working people, to spread the concepts of Marx/Lenin/Mao theory, in any way that we can, will move the revolution faster. This is a peoples' war and that means people helping each other find ways to effectively combat this death order so that we will become the united mass that is necessary for successful revolution. ■

NOTES ON EDUCATION

In this order poor people are born to eat shit -- no/poor education -- which just about says it all. Without education people are not going to get jobs. This means no money to get health care or proper food and forced to live in foul/death-trap housing. Not to mention all the social stigma attached to little or no education.

To get this education in most cases is a matter of what class you are born into. If a person is born poor and is uneducated, overwhelming chances are that his/her children will suffer the same fate.

With little or no education, ruling class prisons are looking at you, because you'll be driven here by this rich-prey-on-the poor order.

Poor people built this country while the rich leeched off our labor and suffering. The rich tell us who can work, when, for how much and under what conditions.

The more technology/automation the rich develop/control, the less they'll need human beings for jobs and the less crumbs they'll want to give to unemployed workers.

These ruling class leeches are like junkies who fix poor people to stay alive to buy Cadillacs and yachts, stained with poor people's blood, sweat and misery. They have a monkey on their back - GREED!

We must recognize this as the death order it is and organize to overthrow this decadent system, its rich parasites and their thug enforcers.

We are like a few fleas on a rabid dog, multiplying to drive this rabid ruling class death order to its grave! ■

"THE DEMAND TO ABANDON ILLUSIONS ABOUT OUR CONDITION IS A DEMAND TO ABANDON A CONDITION WHICH REQUIRES ILLUSIONS."

Karl Marx

SCUMLORDS:

PARASITES OF THE POOR AND ELDERLY

This morning at 1:00 AM, the New World Liberation Front attempted 3 attacks on Anchor Realty/Del Camp Investments. A bomb attack on the St. Francis Wood Estate of scumlord Campana had to be aborted because of last minute problems with the detonation device. A simultaneous attack on Anchor Realty offices at 2122 Market had to be aborted at the last moment because of pedestrian traffic in the area. A third simultaneous attack on the residence of scumlord Del Curto (the other owner of Anchor/Del Camp) in Pacific Heights was successful: windows were broken with slingshots.

Many tenants in Anchor-owned housing have expressed their contempt for Anchor and for the foul, unsafe conditions they force on the poor and elderly. These tenants, as they sit in their death-traps, know all too well that Campana and Del Curto are living comfort-bly and profiting on the misery and suffering of poor people.

Poor and elderly people burn alive most often because of the greed of a few parasites. Their own statistics show that scumlords profit from insurance payoffs on 80% of all fires. These rabid, greedy scum are burning us alive for insurance money! These butchering parasites are never brought to justice in this order... the "legal" machine is too busy devouring poor people.

Anchor parasites who feed on the poor and the elderly, your days are numbered unless you meet the following NWLF demands:

1. All slum housing to be brought up to fire and safety standards immediately.

2. No evictions and no increases in rent.

John Barbagelata - Since you live a block from scumlord Campana, let us remind you that you are as vulnerable to attack as he. To you and all supervisors who oppose decent housing, medical care and a decent life for poor people we say: YOU CANNOT PROTECT YOURSELVES SUFFICIENTLY FOR A SUFFICIENT PERIOD OF TIME. If you fail to move on the just NWLF demands, we will drive you crazy and/or to an early grave!

Supervisors and scumlords, you act like we're asking for an arm or a leg instead of justice. Do you suckers think we'll sit quietly by while our neighbors or loved-ones burn alive because of your greed? If so, then you are bigger, greedier fools than we thought! When we want to come and get you, we will! A police thug in front of your house isn't near enough to stop us. But, then, you certainly must realize this too.

Anchor Realty - If you fail to move on our just demands we will force you to live in armed camps to defend your greedy, degenerate, butchering lifestyles. YOU HAVE 48 HOURS TO CONSIDER AND CHOOSE CAREFULLY: JUSTICE OR GREED. YOUR LIVES DEPEND ON YOUR DECISION. We demand justice... either with you or - if you fail to act - over you!

We call on all people living in foul, unsafe housing to stop paying rent! Justice will never be given by these bloodsuckers, but it will be ours if we organize and fight for equality. WE CAN AND WILL CHANGE OUR CONDITIONS. Study, organize, serve the needs of poor people, prepare for a protracted (long) struggle.

Toward justice! Toward safe, decent housing and quality medical care being human rights. ¡No mas Gartlands! Hasta la Victoria, siempre!

INTELLIGENCE Unit No 2 NWLF

ANCHOR/DEL CAMP: BULLSHIT AND LIES

The day after this communique was received by PIR-1, there was another attack on Anchor/Del Camp. The offices at 2122 Market were shot out with slingshots. A member of this intelligence unit went out to take photos and talk to Del Curto or Campana if possible.

Campana was located and stated that the NWLF underground had made a mistake. All their properties were up to fire and safety standards, a quarter of a million had been spent on painting, repairs had been made at 504 Valencia that weren't even their responsibility since the lease specified that all repairs would be done by the tenants. All of these claims turned out to be bullshit and lies.

The few repairs made at 504 Valencia were either paid for by the lessee or were Anchor's responsibility. In the latter category was the installation of a fire escape and Anchor/Del Camp put in a wooden fire escape. The lessee claimed that he was tricked into signing a lease that made him responsible for repairs to the delapidated structure. (See photo)

504 VALENCIA STREET

When looking at Anchor/Del Camp properties, this unit could usually spot the right house from a block away. It was invariably the worst looking one around. It was impossible to find where the quarter of a million in painting had gone. Certainly not to painters since there was one in the Anchor offices loudly demanding overdue wages. Anchor's reputation with everybody is very bad.

In addition to the wooden fire escape, 504 Valencia lacks a sprinkler system and has dead-end corridors. At 390 Guerrero there is not one fire escape and tenants complain of slow maintenance and rodents. The Anchor property at Hayes and Broderick (recently sold) is in such deplorable condition that some of the tenants threatened a rent strike. Campano's claims (all tape recorded) are the bullshit and lies of a greedy slug who lives in luxury on the life blood of the poor.■

FRENTE LIBERACION CHICANO

PIR-1 received a copy of a communique from the Chicano Liberation Front which claimed responsibility for an attack on the Alameda County District Attorney, Lowell Jensen, on November 13 1976.

The communique stated that the attack was in reprisal for Jensen's refusal to prosecute Oakland pig Michael Cogley for the brutal shotgun-murder of Jose "Barlow" Benavidez on June 11 1976. The attack may have been aborted at the last minute and could not be confirmed by PIR-1.

CLASS WAR

The Central Command extends warmest revolutionary greetings to comrades of Frente Liberacion Chicano and strong support for their actions in defense of the poor and oppressed. By principled action and class analysis we must organize all poor and oppressed people. Only through unity will we defeat this beast that preys on poor Chileans, Africans, Chicanos, Koreans, Palestinians and Nicaraguans, to name just a few of the oppressed peoples of the world.

A class war is toward a classless society is toward Total Liberation. Armed with principled theory and guided by class analysis, the people united will drive this beast from our lives forever. ¡Hasta la Victoria, Siempre!■

ARMED WITH PRINCIPLED THEORY
NWLF

PEOPLES' INFORMATION RELAY # 1

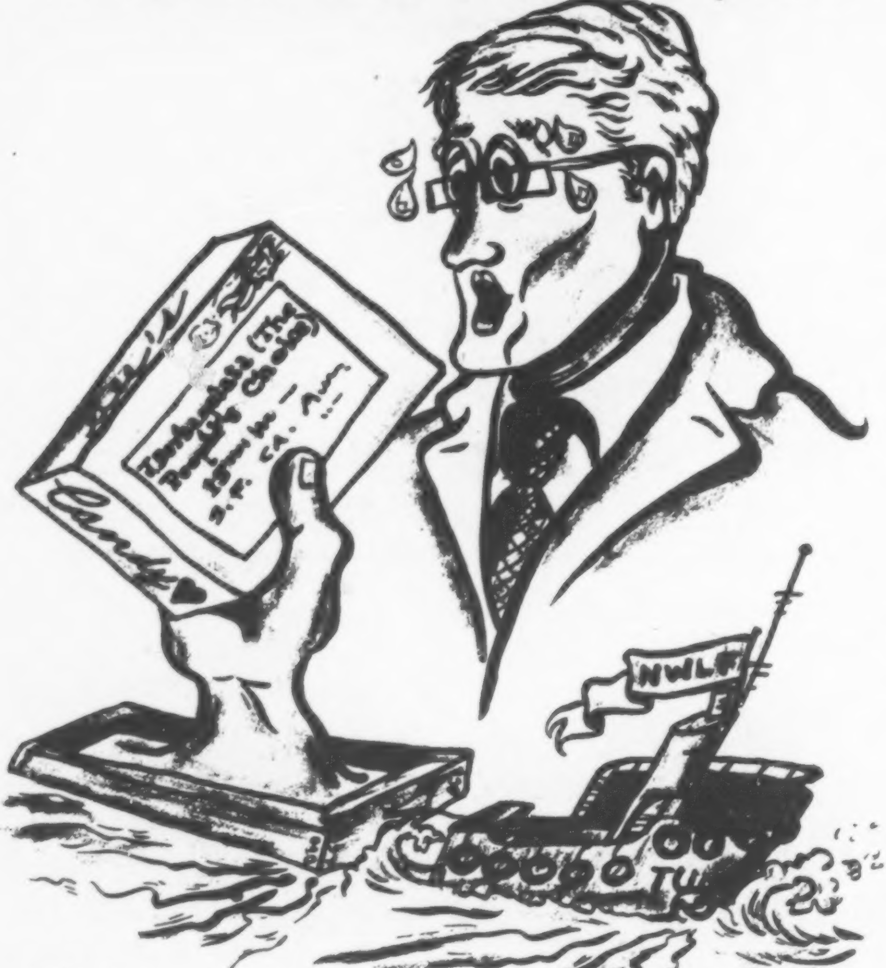
NEW WORLD LIBERATION FRONT

423 OAK STREET SAN FRANCISCO 94102

EXHIBIT C

TUG

▸The Urban Guerrilla ▸Issue No. 1 ▸25 cents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PIR–1

FASCISM FEEDS ON THE

QUIET SUBMISSION OF

THOSE WHO IGNORE

TYRANNY AS LONG AS

THEY THEMSELVES ARE

NOT ITS VICTIMS

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* * *

INSIDE THE TUG

Issue # 1 of The Urban Guerrilla (TUG) was published under very difficult circumstances with the FBI trying to serve subpoenas and one person associated with PIR-1 already set up to go to jail on February 4th for contempt of the Grand Jury on January 21st.

All the copy had to be assembled and prepared clandestinely and this issue had to be printed on our small press since the big one is not yet in operation. The page size was to have been about the same as Time Magazine - with more color - and we wanted more pages.

This first issue is a series of compromises and if we can successfully fight off the Grand Jury, we will attempt to realize our original objectives with issue # 2. If we are unsuccessful, we'll all be in jail and there will be no issue # 2 which is the objective of the forces of oppression.

Material for TUG will be selected according to the following priorities: 1. Communications from combat units of the New World Liberation Front. 2. Communications from NWLF training units and combat units seeking permission to operate under the NWLF banner. 3. Non-NWLF combat units as approved by the NWLF Central Command. 4. Aboveground advice, criticism and analyses. 5. Graphics, cartoons and artwork. 6. News. 7. Editorial, opinion and historical analyses. 8. Poetry and music.

Material is solicited for categories 4 through 8 from all sisters and brothers who support armed struggle and will be acknowledged and returned if accompanied by postage. Please indicate if the TUG editorial staff has permission to edit material submitted. There will be no by-lines in TUG and certain types of material would be best submitted anonymously and without a return address since it is assumed that the police are opening all our mail. Underground comrades writing to TUG should assume all responsibility for the security of their communications themselves. This includes typeface and fingerprint security.

Material from the underground should be sent by mail and under no circumstances should anyone associated with PIR-1 be contacted directly. We will have to assume that anyone claiming to be from the underground who tries to contact PIR-1 directly is a pig. Avoid being insulted and jeopardizing both your security and ours by using the postal service as a courier.

Underground groups not seeking affiliation with the NWLF should establish their own communication base as we do not have the resources to print and distribute every communique and are devoting our efforts exclusively to the NWLF.

There are three ways to obtain a copy of TUG and three different prices. If you live in the San Fran-

▶▶ 5

ZAPATA UNIT

Tonight we bombed the Safeway at Stevens Creek and Winchester Boulevards in San Jose. Where will the soldiers of the people strike next? We can - and will - strike any time and at any place we choose. Safeway will submit to our just demands or face further violence!

The scum owners of this company have responded - in the true spirit of capitalism - to our campaign to lower food prices by ordering that, in case of bomb warnings, customers must leave slowly through the checkstands, in order to prevent shoplifting. Safeway values the non-nutritious, poor quality garbage that they call "food" and the blood money they make from it over customers' lives!

We call on all working and poor people to shop somewhere else, anywhere else. Organize boycotts, demonstrations, petition campaigns, and every other tactic to drive these parasites out of our communities!

We should all come to realize that we don't need Safeway. Safeway needs us only for continued exploitation. What the people need is a socialist system of food production and distribution, controlled by the people, so that adequate nutrition will be a human right instead of the privilege it is now.

● ● ● DEMANDS ● ● ●

We demand:

1. 25% off all food prices.
2. No lay-offs.
3. No scab products (like Coors, Gallo, etc.)
4. Reimburse Oakland neighborhood for damage from our Halloween bombing.
5. Remove all guards from the stores.

Tonight's action was taken in a special spirit of solidarity with the Chicano community which last week lost another brother to terrorist San Jose pigs.

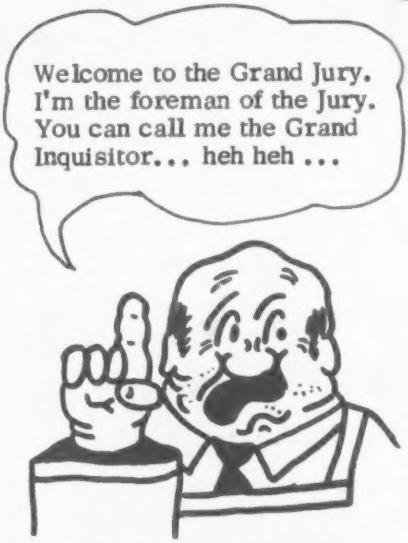
Emiliano Zapata Unit
January 27, 1976

Although the Emiliano Zapata Unit is not now a unit of the New World Liberation Front, PIR-1 has taken note of the fact that Central Command has expressed warmest love for these brave forces of the people in 2 recent communiques.

For this reason, and because these guerrillas have pressed an unyielding attack against the treacherous Safeway with more bombings than could be enumerated in the space we have available, we are including their latest communique relating to their most recent attack.

PIR hopes that Zapata will be successful in bringing these dogs to their knees and congratulates them on a most successful offensive. ●

The Bill of Rights Repealed!


Welcome to the Grand Jury. I'm the foreman of the Jury. You can call me the Grand Inquisitor... heh heh ...

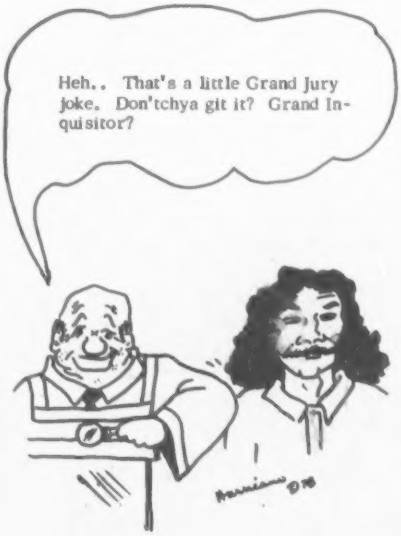
On January 14th, comrade Jacques was served with a Grand Jury subpoena by the FBI after refusing to talk to them about his activities in connection with PIR-1. He immediately stopped speaking and as TUG # 1 goes to press, he is still maintaining complete silence.

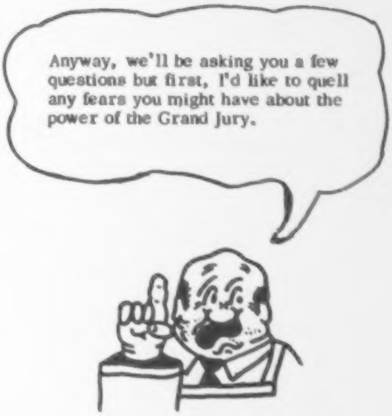
Besides his appearance before the Grand Jury, the subpoena demanded all documents reprinted by PIR-1 and Peoples' Court Comrades that were received from the New World Liberation Front and the Emiliano Zapata Unit and anything else published by those organizations as well as the originals.

With the exception of the originals which are destroyed as soon as copied, all the subpoenaed documents were distributed at the rally that was held in front of the Federal building just before Jacques' appearance before the Grand Jury. Even though the subpoenaed documents were available to anyone who wanted copies, none were given to the Grand Jury.

At the time stated on the subpoena, Jacques entered the Grand Jury room unannounced with a number of supporters and media persons and threw the subpoena on the foreperson's desk with a stack of copies of his "Statement to the Grand Jury" which said in part:

"The police have publicly stated that I was breaking no laws so I have not been subpoenaed for possible indictment... I have been forced to appear here in an attempt to intimidate me or jail me for refusing to cooperate.▶▶


Heh.. That's a little Grand Jury joke. Don'tchya git it? Grand Inquisitor?


Anyway, we'll be asking you a few questions but first, I'd like to quell any fears you might have about the power of the Grand Jury.

I have not spoken a word since I was served with the subpoena by the FBI and I will not speak another word until this attempt to coerce me into speaking has ended. I will not respond to any questions and am leaving the room immediately unless physically restrained."

The foreperson and others in authority were loudly demanding that everyone leave and so everyone left. Media reports later in the day said that Jacques would be again subpoenaed for February 4th to show cause why he shouldn't be held in contempt of the Grand Jury.

As this issue of TUG goes to press, the FBI has not yet been able to serve the second subpoena but only because they're stupid. Sooner or later it will be served and Jacques will probably be put in jail for contempt. Since everyone associated with PIR-1 feels contempt for the Grand Jury, they might try to put us all in jail. All progressive thinking people who are disturbed by the simultaneous violation of 8 amendments to the Constitution (the so-called "Bill of Rights") by the Grand Jury are urged to take whatever action they think appropriate.

◄◄◄ 2

cisco Bay Area, copies can be obtained from street vendors or from newsstands or bookstores for 25¢ a copy. Copies by mail cost 35¢ due to rip-off postal rates and the dim possibility of getting a fourth class mailing permit. Multiple copies are 10¢ if picked-up at PIR-1 (423 Oak - San Francisco 94102) and fronts are available. Multiple copies by mail are 10¢ plus postage.

Free copies are available to anyone who cannot afford the purchase price, particularly convicts. It would be helpful if persons wanting a free copy picked it up at PIR-1 but we will mail free copies if necessary. Since every issue will cost more to publish than is being charged, TUG solicits donations from progressive thinking people who support our work in order to make up the deficit. The size and number of donations will ultimately determine the size and quality of TUG and all donations should be in cash or postage stamps.

Anyone interested in assisting in the publication and distribution of TUG (including pig infiltrators who can type or have useful skills) can contact PIR-1 at any time by mail or in person and we need all the help we can get.

TUG will eventually be published weekly and street vendors can pick up copies on Monday morning at PIR-1.

Persons wishing to subscribe by mail should send 35¢ in cash or stamps for any number of issues. For example, $1.05 will cover the first 3 issues. Don't send more than a few dollars in cash at any one time as it might end up in the pockets of the pigs who are looking at our mail. ●

FIRST NWLF

PARKING METER WAR

On November 16th, the Central Command of the NWLF issued a communique that began what later came to be known as the parking meter war.

"We must move in solidarity against the police-state tactic of ticketing the people in retaliation for their vote" began the communique that followed 12 days of heavy police ticketing after 2 initiatives they supported were defeated in the November 4th election.

"We are calling on all poor people to protest the pig tactic of ticketing by going out in their communities and jamming the parking meters with epoxied washers, liquid steel, etc." continued the communique.

On the same day an NWLF training unit announced the sabotage of the locks on 1,000 parking meters including all the meters in the Civic Center and in front of pig headquarters. At pig headquarters locks on the building were also filled with metal glue:

"If the San Francisco police who are acting like pigs and harrassing the people for voting 'no confidence' do not cease their activities immediately, we will attempt to sabotage every parking meter in San Francisco with the assistance of the hundreds or thousands of sisters and brothers who are tired enough with being pushed around by the pigs to start fighting back."

POLICE BACK DOWN

The police were a lot smarter than the S.F. Board of Supervisors later proved to be and backed down immediately. The ticketing returned to normal levels the next day.

By NWLF estimate, $100,000 in extra tickets had been given during the period of pig retaliation and on November 25th they demanded that it be returned:

"Therefore, we demand that the city return the $100,000 that was robbed from the people by setting-up 2 free medical clinics run and controlled by the people, at locations acceptable to the people, with quality care and a 4' by 8' sign posted on the buildings reading: 'Health is a Human Right! United People Power!'"

It was a 48-hour demand and "If after 48 hours we receive no reply, we will encourage all progressive thinking people to step-up plugging the coin slots of parking meters in poor people's communities. The NWLF will take further appropriate action."

The deadline passed without anyone but the police taking it seriously. Someone had bombed a car in the driveway of a house just sold by Jerry Crowley (the head of the police union; a leading figure in the events which preceeded the attack) and the police immediately stated publicly that any decisions on the $100,000 would have to be made by the Board of Supervisors who now had control of the money.

▶▶

SUSTAINED OFFENSIVE

Community Response

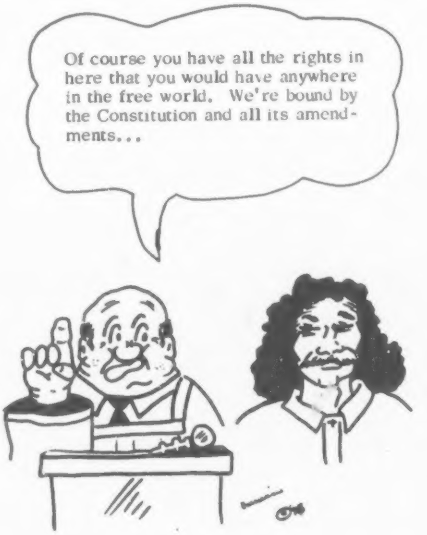
On December 1st the NWLF issued its first open letter to the Board of Supervisors: "If you fail to respond to and back this issue, we will have to assume that you are more concerned about your standing with the pigs than you are about the misery and suffering that afflicts poor people daily or that you have been intimidated by these thugs.

We hope your actions demonstrate a strong concern for the welfare of poor people. If you fail to show concern for poor people's health, we will show contempt for your health!"

Immediately after the deadline had passed, thousands of parking meters were sabotaged. No area of the city was untouched and the variety of means used was impressive. A large number were painted red so that they could not be read and others were jammed with glue, epoxy, liquid steel, tab-rings from beverage cans, washers, and by other means that could not be determined by TUG reporters. The community had responded and the NWLF had taken further appropriate action.

Every day during this period the city crews raced around undoing the previous night's damage and paper sacks over sabotaged meters became a common sight throughout the city.

The Supervisors demonstrated their usual contempt by not even bothering to reply and on December 11th the NWLF gave them another chance with a 2nd open letter: "You have failed to respond adequately to our 1st open letter to you and we say that if you continue with this bullshit intellectual run-around that doesn't speak to the demand directly, we will use tactics you cannot handle! We tell you this so you will be sure to answer in a clear and direct manner this time or suffer the consequences."▶▶


Of course you have all the rights in here that you would have anywhere in the free world. We're bound by the Constitution and all its amendments...

The NWLF demand was revised: "You have until 12:00 P.M. Monday, December 15th, to respond directly to and meet this just demand: The stolen money to go toward badly needed medical care at the San Bruno County Jail. A concenses of the prisoners will decide which health need this money goes toward as they are in a position to best know what's lacking medically."

John Barbagelata, then in a close run-off campaign for Mayor, was singled out for special attention: "John Barbagelata -- your heart, cold with contempt for the needs of us poor people, is not strong enough to endure our rage and determination! We have studied your weaknesses and you are a weak deranged buzzard with little or no concern for the suffering of oppressed people."

...except, well the first amendment about making no laws abridging free speech or freedom of the press. Well that doesn't count in here. (Anyway, I'm not sure that silence is covered by free speech.)

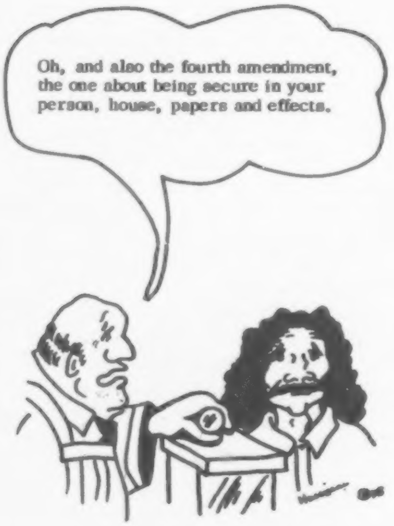
"Are they serious?"

At that point in time, the police (Ahlgrim, Bomb Squad and Panelli, Intelligence) and the Supervisors (Kopp and Feinstein) asked Peoples' Court Comrades who were publish- and distributing the communiques if the threats should be taken seriously. PCC responded, in writing, with a firm "yes, of course", and directed police attention to the anti-personnel detonation devices that were described and diagrammed in an earlier NWLF communique. The NWLF had done close to thrity successful bombings, how could any rational person doubt their seriousness when they made open threats?

Candy Bombs

Apparently all concerned continued to doubt their seriousness but December had been an easy month, parking meters and threats. On January 10th things got serious. The police weren't even checking the Supervisors' incoming mail and on that day it included two bombs, one for Barbagelata and one for Quentin Kopp, the only supervisor who endorsed Barbagelata in the run-off election that he had lost the previous week.

Wrapped in Sees' candy boxes, they quickly came to be known as the candy bombs and neither detonated even though one was partially opened and the other tossed around like a football. In spite of this rough treatment, the police described the bombs as "fully operational" and "assembled with a mechanic's skill". ▶ ▶


Oh, and also the fourth amendment, the one about being secure in your person, house, papers and effects.

A wave of fear spread through ruling-class hearts when it appeared that the NWLF had completely abandoned their previous policy of non-injury. They had never extended their non-injury policy to ruling class dogs but one of the bombs had been tossed around by the Barbagelata children and the other partially opened by Kopp's secretary. It's in the nature of bombs sent by mail that anyone might open the package.

Besides the obvious expectation that the bomb squad would intercept the packages, there were a series of precautions and safeguards. First was a givaway message on Barbagelata's bomb, the address included the message: "The People's Choice".

The police gave no description of the construction of the bombs, only that they were "live" but in the next few days the media dug up information that told a different story.

The candy boxes were wrapped in tinfoil inside the outer wrapping and this was the precaution that alerted Kopp's secretary and kept her from opening the package.

Later information was released to the media by someone who had intimate knowledge of the construction of the bombs: "One half stick of dynamite with a 6-second delay fuse is not an attempt to kill. Our precautions and safeguards will not necessarily be repeated."

It then became clear that even if the bombs had gotten past the police and had been opened in spite of obvious warnings, the delayed fuse would have given plenty of time to get clear of the explosion and the explosion would not have been lethal in any case. It had begun to appear more like an NWLF action although they never claimed responsibility.

The NWLF did release a communique the same day that the bombs arrived at the Supervisor's homes: "You have failed to respond to and move on the just NWLF demands for decent health care at the County jail where poor people are suffering from foul and sometimes no medical attention in ruling class dungeons."

It was the 3rd open letter to the Supervisors and they were now paying attention: "YOUR HEALTH WILL BE IN EXTREME DANGER UNTIL WE RECEIVE ADEQUATE HEALTH CARE WHICH SHOULD - AND WILL BE - A BASIC HUMAN RIGHT!"

It was open letter # 3 to the supervisors and got right to the point: " We poor people like to be healthy, as we're sure you like to be healthy." ▶▶

It was the 3rd open letter to the Supervisors and they were now paying attention: "YOUR HEALTH WILL BE IN EXTREME DANGER UNTIL WE RECEIVE ADEQUATE HEALTH CARE WHICH SHOULD - AND WILL BE - A BASIC HUMAN RIGHT!"

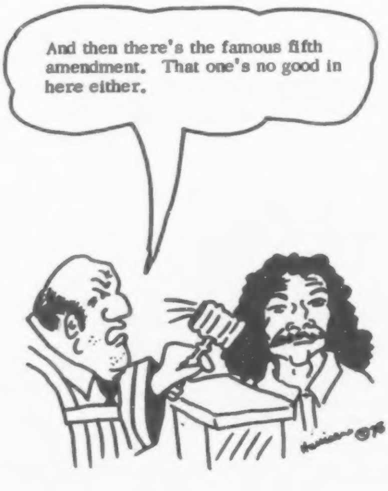
This time there was a direct response! John Molinari, obviously speaking for the supervisors since he used the plural pronoun "we", stated that the Supervisors were ready to move on all the health care needs at the county jail. The next day he denied that the supervisors were meeting the NWLF demands and Central Command responded immediately:

"The Central Command considers John Molinari's statement that "the board is open to requests from the community" another devious and feeble-assed attempt to make us believe that if we submit our requests to the Board of Supervisors we will get results. In other words, he's saying that the only reason county jail health-care is as foul as it is, or that 28 of San Francisco's hospitals are north of Market Street, is because poor communities have not made requests'."

"The Board of Supervisors has chosen not to respond to the just NWLF demands and we say to you: We told you that if you didn't return the stolen $100,000 to the people in the form of health care at the county jail, then you would be dealt with as accomplices to this robbery.

We said your lives would take a drastic turn, that you would have to be protected and that you wouldn't be able to receive sufficient protection for a sufficient length of time. While living under these conditions, your health would undergo a drastic change. As your health fails, we would remind you, and we do so again, to THINK OF ALL THE POOR PEOPLE'S HEALTH YOU COULD CORRECT, THEREBY CORRECTING AND PROTECTING YOUR OWN HEALTH.

WE WILL ESCALATE OUR ACTIVITY, TO DRIVE YOU TO YOUR GRAVES, GIVING YOU PERIODIC CHANCES TO CHANGE YOUR STANCE, THUS SETTING EXAMPLES FOR ALL PEOPLE WHO PREY ON THE POOR. WE THE PEOPLE HAVE THE POWER AND WE KNOW THAT HEALTH CARE SHOULD - AND WILL BE - A HUMAN RIGHT! IF THERE ARE ANY DEATHS AT THE COUNTY JAIL DUE TO POOR MEDICAL CARE, WE WILL HOLD YOU FULLY RESPONSIBLE AND TAKE APPROPRIATE ACTION! ▶▶


And then there's the famous fifth amendment. That one's no good in here either.

"We call on all people in health centers who believe health should be a human right to unite, and submit a list of the ten most pressing health needs of poor people to the Supervisors and to the people. In calling for this list of 10 medical needs, we fully realize that the Supervisors - despite their lying promises - will not meet these pressing and just demands. What we do expect is some improvement. If you are poor and living under this system, health cannot be a human right, just as work cannot be a human right, or a decent life cannot be a human right!"

In this same communique, the Central Command spoke directly to children for the first time: "We urge all poor children who may know the sons and daughters of the supervisors to ask them why their parents don't care about poor people's health. First, try to reach them and explain what their parents are doing. If they understand that, have them go to their parents and tell them how all children, rich and poor, should have health care. If they defend their parents, see if they also defend their parents' ideas. Ask them how they feel about your family and other poor people's health. If they show contempt or no concern for poor people's health, punch them in the face (doing it away from officials, teachers and informers) and tell them: 'Health care should and will be a human right!'"

The supervisors had clearly had enough. Clear attempts to satisfy the demands of the peoples' forces without actually admitting defeat were being described by the media almost daily and on January 21st, the Central Command took pity on them and declared victory in an open letter to the people:

"The supervisors and the city health department - with due respect to the combined efforts of the poor, working and progressive-minded people - stated that they are moving' on health care at the county jail (S. F. Examiner, January 19th, page 4).

"WE CALL ON ALL COMRADES TO DISCONTINUE ANY PLANNED ACTIONS AGAINST THE SUPERVISORS FOR A PERIOD OF 3 WEEKS.

"At the end of 3 weeks, we will know whether the people are being passed another feeble lie, or if those responsible are moving in a firm, fast, positive direction to make "Health Care a Human Right" at the county jail.

"WE WILL TAKE FURTHER ACTION AT THE END OF 3 WEEKS IF HEALTH CARE AT THE COUNTY JAIL IS NOT UP TO ADEQUATE STANDARDS, AS DEFINED BY THE PRISONERS. Minimal care is not enough because what they call minimal care is not even fit for animals!"

With a 66 day sustained offensive, the New World Liberation Front had forced the ruling class and its lackeys to yield to the forces of the people. Their just demands were finally being met and if the supervisors followed through, the war was over.

Or - more accurately - the battle was over. The NWLF immediately redeployed their forces and attacked one of the most powerful and entrenched collection of pigs in sight, the scumlords! ●

We Will Not Get Burned Alive!

The Gartland massacre screamed out the dehumanizing death-trap conditions we poor people are forced to "live" and many times die in. The cockroaches and rats we are forced to live with are but an extension of the scumlord leeches who feed on our misery. Hand in hand with these leeches are all the "officials" and their Watergate justice. Their "due-process, 5-year delay" legal shit is just that: legal shit, with the end result being to BURN POOR PEOPLE ALIVE!

The common bond between the Gartland victims was they were all poor! Fire doesn't stop at color or age -- it stops at money! The same is true for health, and just as we say HEALTH SHALL AND WILL BE A HUMAN RIGHT, so we say that DECENT HOUSING SHALL AND WILL BE A HUMAN RIGHT!

Scumlords

The first and most direct enemy of decent housing is the greedy scumlord. They don't care about poor people's lives or safety. If they did care, after seeing the Gartland massacre they would rush down and take steps to ensure that this unnecessary slaughter of poor people would not happen again. They would install basic fire-safety devices, smoke and heat alarms, smoke barriers, sprinklers, fire-escapes and emergency exits.

That woman at the Gartland apartment who fell back away from the window, consumed by fire that could have been prevented, would have lived if she had a fire-escape to put her foot out onto!

Beatrice Presant, owner of the Gartland, is typical of scumlords. We aren't blinded by the fact that she is in a wheelchair. We see many old people in wheelchairs who are forced to live in deathtraps throughout the Tenderloin; an unjust reward for old, poor people who have worked hard all their lives and are now discarded. What could they do in a Gartland fire? Scumlord Presant was told time and again, either directly or through the managers, of the dangerous conditions in her buildings. The city officials - in their feeble-ass way - told her the same thing by issuing code violation citations and then condemning the building. But the "officials" turned their backs while scumlord Presant continued sucking money from her tenants, not only in the Mission, but in the Tenderloin too. The Lassen Apartments she owns are no different -- 68 code violations and 7 fires in the past 2 years!

Death-trap conditions

We poor people have been telling scumlords all our lives about these dehumanizing conditions, but they have refused to move to correct them. Scumlords are nothing more than buzzards who prey on poor people, causing suffering, misery, and sometimes death, all for their personal greed.

We will show these buzzards the same respect they have shown poor people. WE ARE TAKING STEPS TO PUT POWER IN THE HANDS OF TENANTS SO THEY CAN FORCE SCUMLORDS TO MOVE ON FIRE-SAFETY CODE VIOLATIONS. If ▶

We Will Fight Back!

scumlords fail to move on the just demands of the tenants, their names will be put on the scumlords list and they will be subject to the people's justice. We will not burn alive!

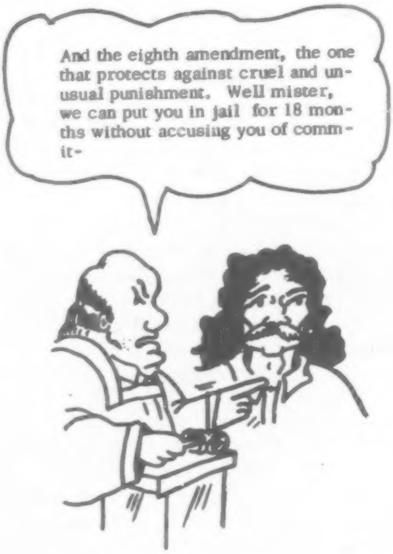
We poor people will raise our living conditions through a united front. SCUMLORDS HAVE A WAY OUT--TO MOVE DRASTICALLY WITH A FUROR TO CORRECT THESE DEATH-TRAP CONDITIONS. Yes, it boils down to some of their money, or their sanity, safety, and lives. We'll see how much they love their money! We will drive these greedy scumlords and corrupt officials crazy and to their graves if they don't change their ways and move to meet tenants' demands.

Rich parasites and their stooge enforcers prey on us at every turn in our lives--from our housing, to our utilities, to our health care, to our food, to our air, to our minds and souls, driving us to early graves by fire, by alchohol, by heroin, by robbery, by prisons! We must organize and unite the many to smash this death-order controlled by a greedy few!

75% of the residents of San Francisco are renters, yet the laws serve only the needs of the scumlords. We see how long it takes a scumlord to get a tenant kicked out, and we see how long it takes to force scumlords to bring their buildings up to code. Ed Johnson even admits he hasn't prosecuted one scumlord in the four years he's been city attorney.

"Officials" have shown they will not prosecute the Gartland owners. They have said the condition of the building had nothing to do with the deaths. They have centered all their blame on an arsonist (sick and deranged by this order) in an attempt to cover-up their complicity in this murderous act.

Clearly we will not get rid of arsonists until we change this dehumanizing death-order that drives people to become deranged arsonists. Further, these officials, using the media, have tried to mislead the public into believing only 12 people died in the Gartland fire, when the manager estimates it's more like 25.▶▶


And the eighth amendment, the one that protects against cruel and unusual punishment. Well mister, we can put you in jail for 18 months without accusing you of commit-

These lies are told to try and keep us poor people from seeing the truth. But we know why our life expectancy is one-half that of the ruling class: it's because these parasites thrive on the misery, suffering, and butchery of poor people here and all over the world--San Quentin, South Africa, Mission, Chile, Fillmore, Rhodesia, Hunter's Point/Bayview, Haiti...

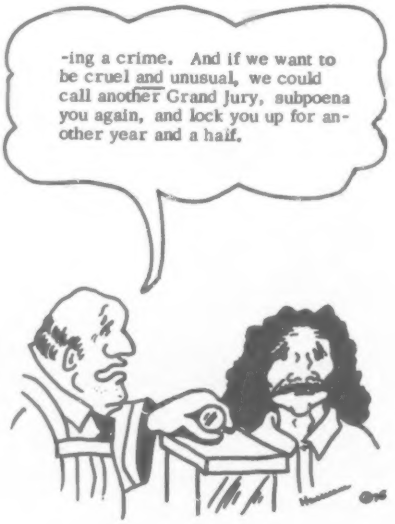
Freitas, DA and voice and defender of the ruling class, is asking for $72,000 to counter the just revolutionary attacks against the ruling class and their stooge enforcers. We say the cheapest, fastest way to put an end to these attacks is to change the priorities of city government. Serve the vital needs of poor people and not ruling class greed.

We realize this means a complete turn-around for these "officials", especially supervisors Barbagelata, Tamaras, Francois, vanBeroldingen, Mendelsohn, and Gonzales, whose campaigns were financed by land developers and real estate interests, and who continually promote high-rise development. They must recognize we poor people have a right not only to decent housing, but also to our communities. WE WILL NOT SETTLE FOR DEATH-TRAP HOUSING OR THE DESTRUCTION OF OUR NEIGHBORHOODS TO SUIT RULING CLASS HIGH-RISE DEVELOPMENT SCHEMES. WE DEMAND, THEREFORE, THAT THIS $72,000 GO TO DEFEND TENANTS' RIGHTS!

Corrupt Officials

Remove corrupt officials like building inspector Frankoni, who owns a building with 13 violations. These "officials" have defended the rights of the ruling class to drain our lives for long enough. If the supervisors allot this $72,000 to Freitas, but neglect health care and housing for the poor, we will declare war against these upholders of the ruling class and this death-order. WE WILL STRUGGLE UNTIL GOOD HOUSING AND HEALTH CARE ARE HUMAN RIGHTS SHARED BY ALL PEOPLE!

In a communique that came out before the Gartland fire, we pointed out that many apartment buildings were/are in need of fire-safety devices. At that time, we demanded that PG&E move to help correct these conditions. WE DO NOT EXPECT SCUMLORDS TO PAY ALL THE BILLS AND WE WILL NOT STAND FOR "OFFICIALS" CONDEMNING OUR HOMES SIMPLY BECAUSE THERE ISN'T THE MONEY TO REPAIR THEM. YOUR SOLUTION IS OBVIOUS -- TAX THE RICH WHO ROB US! ▶ ▶


-ing a crime. And if we want to be cruel and unusual, we could call another Grand Jury, subpoena you again, and lock you up for another year and a half.

PG&E

These PG&E parasites have a long record of deceit, trickery and robbery. WHAT WE ARE DEMANDING FROM PG&E IS BUT A CRUMB TO THEM, BUT LIFE FOR US. WE DEMAND THEY PAY FOR 50% OF ANY/ALL NECESSARY REPAIRS TO BRING UNSAFE HOUSING UP TO FIRE-CODE SAFETY STANDARDS.

We realize that PG&E, because of their size, will be slower to yield to our just demands than scumlords and corrupt officials. We urge all top PG&E officials to realize that it would be cheaper for them to repair our housing than it would be to "buy protection" and repair shattered nerves and damaged equipment. We are prepared to drive them to their graves!

United People Power

They are very vulnerable. Any person on the street can damage their trucks and cars by pouring sugar or sand in the gas tanks. To blow up a car or truck, puncture the gas tank with an ice pick or else loosen the drain plug. Set a book of matches with a lit cigarette in the matches (which will ignite when the cigarette burns down and reaches the matches) about 1 foot from where the gas is leaking. It takes about 10 minutes for a non-filter cigarette to burn down. Practice first! Towers and generators in ruling class/corporate/military areas are also good targets.

WE CALL ON SYMPATHETIC PG&E WORKERS TO SABOTAGE ANY/ALL THE EQUIPMENT THEY CAN GET AWAY WITH. The damage that can be done is only as limited as our imaginations. Clearly, it would be cheaper for PG&E to pay 50% of the repair bills. THEY HAVE 48 HOURS TO MOVE ON THIS! If they fail to move, we then urge all comrades and progressive-minded people to use their imaginations and let our voices be heard and our actions felt. We will not burn, we will fight!

Call to action

We call on all tenants who are forced to live in unsafe death-trap housing in the Bay Area to unite and organize. Your nearest community tenant's union is a good place to start. Within each building, tenants should present a list of demands to bring their building up to fire-safety standards. Tell your scumlord that tenants do have the power to change conditions. If they fail to move to fix up our buildings, get their name, address, phone number, business address and phone, car make and license, and any other relevant information and give this to your community tenant's union. We will add these names to the scumlord list as they are made public and revise and publish the list periodically. We urge all comrades and progressive-minded people to subject these scumlords to revolutionary justice. Names will remain on the list until these scumlords move to correct these nightmare conditions.

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NWLF most-wanted

1. Ben and Mel Swig -- inspiration behind Yerba Buena and the destruction of South of Market. See Yerba Buena by Chester Hartman and the December 1975 edition of Common Sense.

2. Arthur Goldberg -- head of the bureau of building inspection (BBI). Arch enemy of tenants. BBI plays a critical role in the housing market. Arthur Goldberg lives in Marin County.

3. Redevelopment Agency -- destroyed over 5,000 units of low income housing in 15 years. Front group for the destruction of Yerba Buena and the Fillmore and Nihonmachi (where the fight continues under CANE, Citizens Against Nihonmachi Eviction.

4. Dr. Francis Curry -- head of the public health department. Critical in evictions, he ordered the tenants at 333 Hyde Street into the street.

5. Summit Land Company -- owns the Gartland Apartments under the control of Beatrice Presant. 135 Cedro Street.

6. Orville Pratt -- offices in the penthouse at 690 Market. President of the Apartment House Association. Top scumlord attorney said to have bribed Curry to condemn 333 Hyde for Jack Osheroff, scumlord of 333 Hyde and owner of Sunset Carpets at the corner of Market and Van Ness.

7. David Finn -- President of the Haight Improvement Association, a counter insurgency front for SPUR. He hates hippies and blacks and has been instrumental in denying the community of the Straight Theatre and the Homeowners' Assistance Program, and in pushing the destructive RAP program.

8. N. Arden Denekas -- President of the Richmond Planning Association and owner of 10 Lyon Street. Sponsor of San Francisco For, a right-wing group that pushed the anti-strike ordinances in November 1975. Close associate of David Finn; may also get money from SPUR. Lives at 1327 Cabrillo.

9. Anchor Realty -- owner of large properties along lower Haight Street which figure strongly in the next big redevelopment push. Noted for especially poor maintenance practices.

10. Mr. & Mrs. Kingsley -- large and notorious Haight scumlords.

11. Four Seas Corporation - Owners of the International Hotel.

12. Judge Wollenburg -- property owner and terrible Municipal Court Judge, especially against tenants. ▶▶

scumlord list

13. Bay View Federal Savings & Loan -- big owners in the Mission around BART stations.

14. Landmark Realty -- fast buck artists, mostly in the Mission District.

15. Pyramid Development Company -- represents development of the Fillmore district. Headed by PUC President H. Welton Flynn

16. Ed Johnson -- Deputy City Attorney (See S.F. Examiner, 1-16-76).

17. Arthur Evans -- Executive Director of the San Francisco redevelopment Agency.

Communique!

The NWLF claims responsibility for 3 bomb attacks in our struggle to make safe and decent housing a human right!!

On January 28 at 9:15 P.M. we bombed the home of scumlord Beatrice Presant.

On Friday, January 29th, we bombed the car of scumlord Jack Osheroff at 1:15 A.M.

On Saturday, January 30th at 1:30 A.M. we bombed PG&E, parasites of the poor, at their San Geronimo station in Marin County. 5 power transformers came under attack.

Toward safe and decent housing
being a human right!
Toward health being a human right!
Unity in Struggle!
¡Hasta la Victoria!

PEOPLES' FORCES
Lucio
Cabañas
Unit
NWLF

Peoples' Forces - Lucio Cabañas Unit
New World Liberation Front

18. **Wilbur W. Hamilton -- Deputy Executive Director of the San Francisco redevelopment agency.**

19. **Robert E. Boldt -- Assistant Regional Director of the Department of Housing and Urban Development. Offices in the Federal Building.**

20. **Pacific Gas & Electric -- see the S.F. Examiner (3-9-75) for information on PG&E executives.**

For more information on scumlords, see the 1-15-76 edition of the S.F. Examiner or your Tenants' Union. ●

The Chinese Revolution and The Russian Counterrevolution

Lenin and the Bolsheviks

The Russian counter-revolution began 50 years ago but the Chinese Revolution continues.

Lenin and the Bolshevik Party seized state power in October, 1917 during a period of government instability. Bolshevik support was rooted in the urban proletariat. Most communist organizing had taken place in the cities among workers. There had been less revolutionary movement among the peasantry. The Bolsheviks did not have the support of the majority of Russian citizens when they came to power. How did the new Russian rulers deal with this fact? What was done to generate revolutionary consciousness among the Russian peasantry who were not Bolshevik supporters?

Lenin and the Bolsheviks were confronted with great problems after seizing power. Western imperialists invaded and were repelled. The counter-revolutionary White Army arose and civil war raged for several years after 1917. The communists under Lenin were brave and progressive. The dictatorship of the proletariat existed for the first time in history -- a great leap forward!

Peasant Resistance

Bourgeois and reactionary elements fought in the White Army but there were also many peasants. Were they all hopeless fascists, or had too little attention been paid to their radicalization? How does a revolutionary government deal with a countryside offering stiff resistance to its existance? Seizure of power occurred before widespread radicalization of the Russian masses. Is it not inevitable that there would be pockets of resistance within the new Soviet Union for years to come? Was all resistance "right-wing" or did it prove that the revolution had not penetrated the countryside?

In the Soviet Union during the early 20's, foreigners had been repelled, the White Army crushed, and Lenin was dying. Resistance was still widespread in the countryside but the Bolshevik Party was in firm control. Concentration camps had been built and more were needed. The bourgeoisie had been stripped of wealth and power. Life was better for city workers and worse for many country people. The Communist Party of the Soviet Union had the power, not the majority of the Russian people. ▶▶

Lenin was the most impressive figure in modern Russian history. His writings brought communist theory to a new level; he defined imperialism for his time. He led workers to the first successful seizure of power in history and this was accomplished in a largely agrarian country, far from Europe, where Marx and most communists thought the revolution would begin.

Stalin Rises

Then Lenin died and Josef Stalin rose to power in the mid 20's. Lenin had a mind capable of theoretical advances that were necessary during every step of the revolutionary process. Stalin did not. He was a warrior, a general, and he ruled with an iron fist. Stalin saw himself as the vanguard man of the vanguard party in the world's first worker's state. He worked ruthlessly to consolidate the party bureaucracy, assumed dictatorial powers himself, and dealt brutally with his political opponents. Stalin was determined to "build" socialism in one country, regardless of whether the majority wanted Stalin's "socialism".

Socialism can never be built against the wishes of the people. Stalin believed he was preserving the revolution by strengthening the party and concentrating power in his own hands. Revolution produces peoples' power, workers' power and revolution belongs to the people, not the party. Concentration of power in a male-dominated bureaucratic party cannot be considered revolutionary.

Revolution never comes from the top down; it comes from the bottom up with the idea of destroying the top forever. Stalin saw "socialism" being built when actually a police-state was emerging. The network of concentration camps known as the Gulag Archipelago sprang into existence during Stalin's reign and brutal secret police carried-out Stalin's dictums with the same cold-bloodedness found in Hitler's Gestapo. The Russian people suffered immensely. How many millions were massacred after the mock trials and the purges of the 30's will never be known and an even greater number served time in the dehumanizing concentration camps.

Rigid, insensitive, brutal, undemocratic, dictatorial; all these are accurate descriptions of Josef Stalin and the state apparatus he controlled. Revolutionary ideas liberate the minds and hearts of the people who use revolutionary armed struggle to liberate their country. Stalin had no heart and the mentality of a butcher! He was not of revolutionary consciousness, he was not a communist, he was not even a leftist. He and his cronies turned progress into darkness as a whole country moved backward under his reign of terror.

Counterrevolution

Josef Stalin was the beginning of the Russian counter-revolution. He put reaction back in command and the Soviet Communist Party became the Soviet ruling class. The dictatorship of the proletariat became the dictatorship over the proletariat. There were new Czars in the Kremlin. ▶ ▶

The Russian revolution had not fully penetrated the countryside and the barrel of a gun could never raise the consciousness of the peasants. The decision to rely on police-state violence to enforce "socialism" signaled the restoration of fascism in the Soviet Union and a brutal police-state only arises when it is needed to thwart a peoples' movement. The people will always fight against repression and the spark of resistance is still alive in the Soviet Union among the oppressed classes. The working people of the Soviet Union will be victorious!

For his crimes against humanity, Stalin ranks with Hitler, Nixon, Mussolini, Kissinger, Franco and Rockefeller. In a way, he is worse than all of them because he has given communism a bad name. Imperialists 'round the world can point to the suffering of the Soviet People and say: "Look! This is communism! Be satisfied with what you've got!"

Mao and the Chinese Communists

The revolution in China is a different story. It is a continuing saga, a glorious testimony to the validity of class struggle and the people united. Mao Tse Tung rose to the leadership of the Chinese Communist Party in the mid 20's and the Chinese communists did a great amount of organizing in the countryside. Landlords were overthrown and the land returned to the peasants. The Peoples' Liberation Army grew, though it suffered many setbacks at the hands of the Nationalist forces. The losses incurred before and during the Long March of 1935 were enormous and by the time the Peoples' Liberation Army had reached their mountain refuge they had marched 6 thousand miles but the force of their revolution could not be stopped.

Within the Red Army, soldiers studied and debated constantly and the process of criticism/self criticism and firepower backed by principled theory(so closely identified with the New World Liberation Front)evolved during this period in the People's Republic, manifesting a most powerful army. The countryside was won over, the cities surrounded and eventually liberated, and the communists gained total state power in 1949.

The vast majority of the people supported the revolution by this time and their consciousness had been completely transformed. They were revolutionized; ready and willing to build socialism. The Chinese Revolution gave the workers power! They could eat, go to school, and health became a human right. They worked very hard and benefited from the value of their labor. No more capitalistic exploitation, a classless society, and no opium or foreign occupation.

The Chinese Revolution ended the 100 years of humiliation at the hands of the imperialists which had begun with the opium wars in 1841. The vast majority of the people supported the communists in 1949 and socialism was built according to the wishes of the people, not a new ruling class. ▶▶

Great Leap Forward

The People's Republic has continued to move to the left under the leadership of the Chinese Communist Party and its Chairman. The Great Leap Forward of 1957-1959 is not generally looked upon as a large success because a leap in agricultural and industrial production did not follow immediately but the Great Leap was an important stage in the radicalization of the Chinese people's awareness. It was an anti-bourgeois and anti-bureaucratic campaign and Mao counted on his optimistic belief that "greater progress could be achieved by moral and psychological incentives where material incentives had failed". The Great Leap Forward also expressed dissatisfaction with the ideological revisions announced by the Soviets in 1956.

At the 20th congress of the Soviet Communist Party, Nikita Khruschev put forth the possibility of "the parliamentary road to socialism". He was suggesting that class society could be abolished through the ballot box; that the people could vote for revolution instead of overthrowing the capitalists by force of arms.

The Chinese labeled this revisionism and were outraged, declaring that the Soviets had grossly distorted Marxist/Leninist teaching. China adopted a stance that was increasingly independent of the USSR and looked less and less to the Soviet Union as a model for socialist society. Khruschev's revisionism put the cap on the Russian counterrevolution. The regression was complete: from capitalism to state capitalism, from Nicolas to Nikita, nothing was changed and the people continued to suffer.

Cultural Revolution

In China, events moved in an entirely different direction and with the Cultural Revolution of 1967-1969, the commitment of the Party to revolution was clearly demonstrated. In many ways, the Cultural Revolution amounted to the Chinese masses purging their own vanguard party! The Red Guard - armed revolutionary youth - roamed the countryside and powerful administrators, including the very powerful Teng shiao-Ping, were labeled "capitalist roaders" and paraded through the streets in disgrace. There was a 100 day war at a Shanghai University over ideological purity.

The Chairman had been correct again: "Greater progress could be made by moral and psychological incentives where material incentives had failed". We see revolution continuing and escalating in China, 20 years after seizure of power.

20 years after the Bolshevik seizure of power, mass purges were going on, secret police roamed the countryside, the Gulag Archipelago had sprung into existence, an atmosphere of terror prevailed, and Siberia had been well-populated with dissidents. That atmosphere of terror is fascism: the government at war with the people.

Why was there no atmosphere of terror in China? Because the Chinese masses made a genuine, complete and on-going revolution and because the leadership were persons of great feeling who loved the

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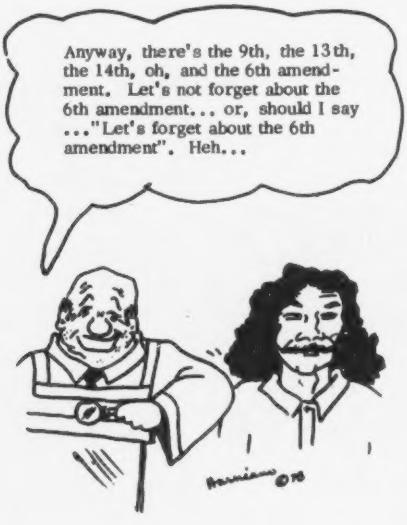
Concerning The La Guardia Bombing

The LaGuardia bombing has been used by the ruling class, their "intelligence" lackeys and their media to purposely confuse revolutionary freedom-fighters (who attack the ruling class and their stooges) with terrorists who threaten rich and poor alike. The LaGuardia bombing has all the markings of a government "intelligence-terrorist" plot. As we stated in an earlier communique, we believe government "intelligence" forces or their right-wing thugs have and will place bombs to murder innocent people, blaming it on some "revolutionary terrorist who kills people for no motive".

Government "intelligence" would have clear motive in terrorizing the American people who are becoming increasingly unwilling to offer these dogs any information or assistance. The rage and determination of poor people cannot be stopped and as these dogs scheme to turn the people against freedom fighters (fighting to replace this death-order), these rabid dogs will only further expose their butchering brutality, as they have in the past.


Anyway, there's the 9th, the 13th, the 14th, oh, and the 6th amendment. Let's not forget about the 6th amendment... or, should I say ..."Let's forget about the 6th amendment". Heh...

We have a human right to overthrow and replace this barbaric order that thrives on the misery of poor people!

Assassinations

We must firmly understand that government "intelligence" dogs are sick, the deranged scum of humanity, world-wide terrorists, butchers of poor people, enforcers for the rich parasites who have no love or concern for the American people or poor people throughout the world. The assassinations of Martin Luther King and numerous others, and the COINTELPRO and Phoenix programs were created by the same degenerate minds to help keep the rich people in control.

Any person struggling for the rights of poor people - be they George Jackson or Jesus Christ - would be murdered by government "intelligence" forces if alive today. They murder George Jackson and other poor, unarmed people in ruling class koncentration kamps (Attica, etc.) and at the Pine Ridges, the Spanish Harlems, Appalacias and Detroits all across the country. They kidnap Vietnamese children and control the most oppressive and brutal regimes in the world: South Africa, South Korea, Brazil, Chile, Haiti, and Iran to name some of the worst. ▶▶

No, it wouldn't surprise us if these butchering terrorists of the poor now did the LaGuardia bombing. They have clear motive! These dogs will use this tactic of killing innocent people in order to discredit revolutionary forces!

Expose Local Agents!

WE URGE ALL CONCERNED PEOPLE TO PUBLICLY EXPOSE - THROUGH THE PEOPLES' MEDIA - ANY/ALL GOVERNMENT "INTELLIGENCE" AGENTS AND THEIR PAID STOOGE INFORMERS IN THE BAY AREA: Name, home and business address, car description and license number, phone number, and - if possible - a photograph.

We will continue to struggle to expose these degenerate schemes and continue to unite poor people against this sick terrorist order that thrives on the work, misery and blood of poor people. We are now starting to build our own intelligence files on these bloodsuckers of the poor.

On informers, verifying information is needed, as in Popeye's case. In this way, we can complete our own files and arm the people with this knowledge, to help combat these butchers' effectiveness.

We salute all comrades who have helped us secure a strong base!
A booby-trap manual is forthcoming.

Expose these parasites of the poor!
Toward a stronger base!
Unity in struggle!
A class war toward a classless society'
Toward Total Liberation!

Peoples' Forces - Central Command
New World Liberation Front ●

◄◄◄15

●●●DEMAND●●●

WE DEMAND THAT ALL REPAIR WORK BE DONE BY UNEMPLOYED TENANTS IN THE COMMUNITY AT JUST WAGES.

We call on tenants to further organize and form a representative committee to list and organize the working skills of all unemployed tenants and also those desiring to learn a skill. This board - and not scumlords - will say who works in and repairs these buildings and at what wages. The people united can move mountains!

Organize!

We urge all tenants' groups to unite with people organizing around health care. Our enemy is the same! There is no stopping a determined, just, united people! The ruling-class and their politicians and thug enforcers can and will be defeated!

ORGANIZE!
TOWARD HEALTH BEING A HUMAN RIGHT!
TOWARD AN END TO DEATH TRAPS IN OUR COMMUNITIES!
TOWARD TOTAL LIBERATION!
UNITY IN STRUGGLE!

We call on tenants' unions to distribute and post this communique widely in housing projects and communities and any places poor people gather. Include the address and phone number of local/central tenants' union.

Central Command - Peoples' Forces
New World Liberation Front

Reprints of this communique suitable for posting are available from PIR-1 in quantity at no cost. ●

People Against McDonald's

PAM

"It's just another attempt by big business to destroy the Haight-Ashbury counterculture."

That statement, by a long time resident, sums up the general feeling of the neighborhood people about the opening of McDonald's at Haight & Stanyan on January 24th.

Out of this common feeling of outrage, the PAM organization was founded. People Against McDonald's has only been in existence a few weeks but has already released a statement - "Who is McDonald's Kidding?" - prepared a wealth of background information, organized 2 successful demonstrations (more are planned) and initiated a citywide boycott of Big Mac.

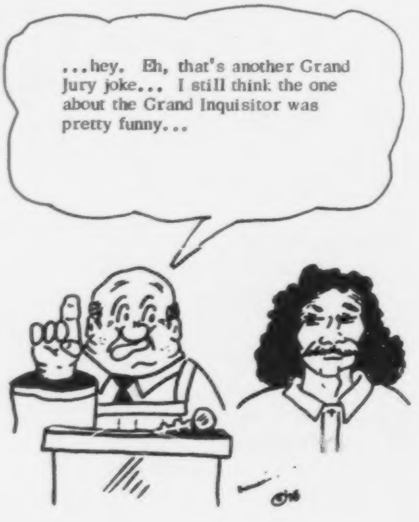
Many neighborhood organizations in the Haight are concerned about the impact of having McDonald's in the neighborhood but most of these groups believe you can make a deal with these pigs. PAM points out that McDonald's has already gone back on promises made to the Paltenghi Youth Center.

McDonald's had agreed to hire neighborhood minority youths and pay them $2.50 - $2.65 an hour. These are still dog wages when you consider that the owner, Ray Kroc, is one of the 12 richest pigs in the country. After McDonald's obtained a permit, they decided it was not necessary to keep their promises.

PAM takes the lead

Of the many groups opposed to Big Mac, PAM is the only one to demand the immediate and unconditional removal ofMcDonald's and any other corporate thieves who would move in and exploit the people, destroy their culture, and poison the environment.

Contrary to media reports, the 1st PAM rally was well-attended and continued at a strong pace for 3 hours. So far, no other community groups have officially endorsed the boycott of McDonald's but it is hoped that the boycott will build and drive McDonald's into submission. Other pig institutions like the Bank of America and Safeway have tried to invade the Haight but the people have banded together against them and now they are gone. ▶▶


...hey. Eh, that's another Grand Jury joke... I still think the one about the Grand Inquisitor was pretty funny...

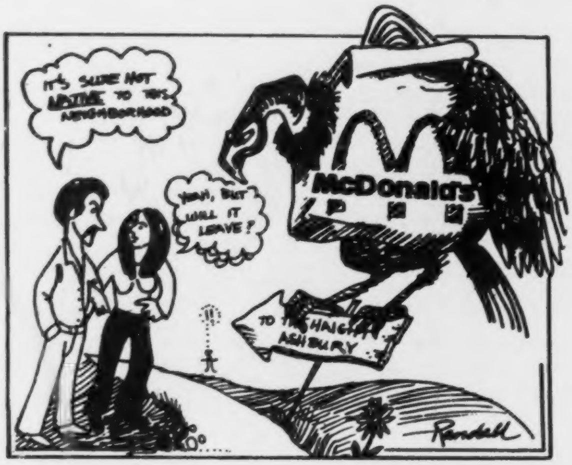
McDonald's promises - then reneges

On Thursday, January 29th, several community groups attempted to meet with the franchise owner of McDonald's. The meeting was to discuss whether or not McDonald's would live up to promises made to these groups. McDonald's cancelled the meeting at the last minute.

McDonald's is no longer fooling anyone! Their lies and greedy intentions are more obvious every day and the people's patience wears thin.

The people will continue to picket, leaflet and boycott McDonald's until this menace is driven from our neighborhood forever. We will continue to attack and destroy your property and if you do not respond to our demands and leave the Haight, the people will consider other appropriate action. Watch out McDonald's!

These summaries of McDonald's invasion of the Haight were submitted to the TUG by a community organizer not associated with PAM.


IT'S SURE NOT NATIVE TO THIS NEIGHBORHOOD
YEAH, BUT WILL IT LEAVE?
McDonald's
TO THE HAIGHT ASHBURY
Randall

WE DEMAND TO KNOW what happened to McDonald's promises to include a small playground and bulletin boards, cheaper prices for senior citizens, and some type of nutritious food, specifically a soup and salad bar!

McDonald's robs poor people by offering shit food with their cheap prices that are possible because they pay dog wages. We will not allow this to continue!

PIR Report

Campaigns by the people and the peoples' forces to drive pig businesses out of our neighborhoods are on the increase. The NWLF's armed attacks on PG&E and Zapata unit's offensive against Safeway in this area - as well as the George Jackson Brigade's attacks in Oregon - are examples. ▶ ▶

PAM Communique

A few weeks ago, an organization known as PAM (People Against McDonald's) came into existence to declare McDonald's an enemy of the people and the community response was immediate and dramatic. The people of the Haight have shown Big Mac the power of their rage by leafleting, picketing, and destruction of McDonald's property. Their "golden arch" was attacked 3 times and finally removed. Piles of Big Mac garbage have been collected and dumped on the premises and a city-wide boycott is being organized.

Below is a summary of the first PAM communique and fact-sheets released by PAM that was prepared by TUG editors.

During Haight-McDonald's first week of operation, 18,000 people put scurvy-burgers and chemical shakes into their bellies. At that rate, this one McDonald's will be the source of 1,000,000 meals this year alone!

Ray Kroc - the owner of McDonald's everywhere - is a real pig. He gave Nixon $250,000 in 1972, money stolen from the people by paying shit wages and serving shit food. Soon after he passed the stolen money on to Nixon, a minimum-wage bill being debated in Congress was revised so that a sub-minimum wage was permitted for McDonald's employees.

Reserve Army of Labor

In order for capitalism to thrive, it is necessary for masses of people to be unemployed, thus creating a reserve army of labor.

The scramble for jobs by this reserve army serves the capitalists in 2 ways:

1. Poor people are forced to compete with each other. This keeps them divided when they should be uniting to overthrow the oppressors.
2. People are conditioned to settle for perpetually low wages because, if they don't - there are others more desperate than they who will.

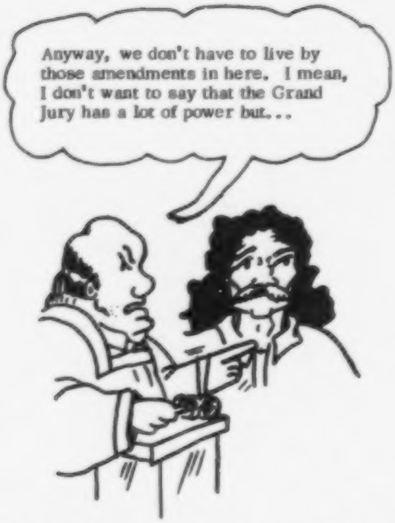
This reserve army of labor is largely composed of youth, women, and minorities. We can see that our system is designed so that youth, women and minorities are always channeled into the lowest paying jobs. This will always be the case until the ruling class is overthrown and capitalism abolished. Revolution is the only war on poverty! Don't let the liberals fool you!

McDonald's claims

McDonald's claims they make an earnest effort to clean up litter but PAM has little difficulty collecting tons of the crap. Big Mac makes no claims about the nutritious value of their so-called food and every carton should say: "It doesn't take a surgeon general to determine that Big Macs are hazardous to your health"!

McDonald's claims that employees can earn quarterly raises if they receive a positive performance review. What kind of bullshit is that? How much does it benefit a worker if her sub-minimum wage is raised slightly because she is cooperative and submits to this rip off?

When McDonald's builds their Burger Barns, they create eyesores in our communities and when they feed the people their sawdust sandwiches they are attacking us! ●


Anyway, we don't have to live by those amendments in here. I mean, I don't want to say that the Grand Jury has a lot of power but...

NEED A JOB?

Greedy rip-off types whose main interest is the furthering of their own gains are not to be found solely in the ruling-class. Among the poor and oppressed too, examples of people who exploit and take advantage of their brothers and sisters are readily apparent. One of the most obvious is the rip-off grass dealer.

These dealers are the one's who will deal anything, of any quality, who charge what the market will bear, and who maintain extravagant lifestyles at the expense of their customers.

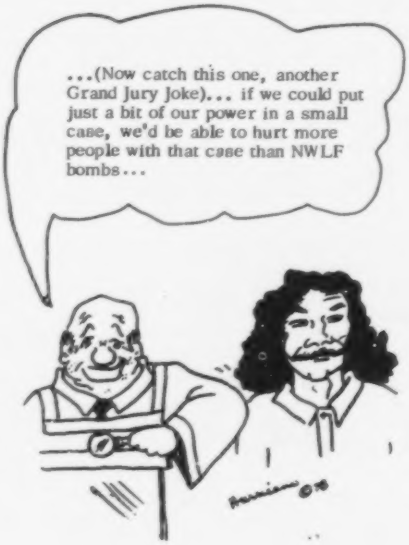
These dealers see dealing as an ego satisfying gambling game, not as a service to the people.

Revolutionary grass dealers are desperately needed. People who will charge fair prices for services rendered. We need dealers who are open with their customers about the quality of the product, the price they paid, and the amount of money they are making.

One of the most effective ways to break down the class barriers that divide the oppressed is to install in ourselves - as dealers and in every aspect of our practice - a true desire to share the fruits of our land with all brothers and sisters. If we are greedy and selfish, others will follow our example, not our rhetoric.

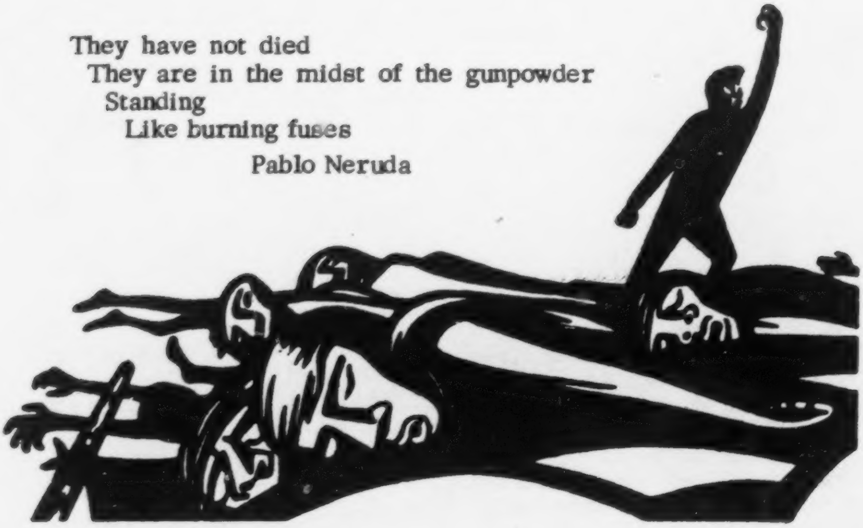
Most important of all, we need peoples' dealers who by their actions promote trust and sister/brotherhood and who promote a feeling of unity among the people in our struggle for freedom and justice.

This selfless approach to dealing can never be achieved if the dealers heart is full of greed and her eyes blinded by dollar signs. ●


...(Now catch this one, another Grand Jury Joke)... if we could put just a bit of our power in a small case, we'd be able to hurt more people with that case than NWLF bombs...

POOR PEOPLE EVICTED

They have not died
They are in the midst of the gunpowder
Standing
Like burning fuses
Pablo Neruda



On January 23rd of this year, a jury of predominately white, middle class homeowners returned a verdict to "vacate" against the 1140 Oak Street Tenant's Union.

After almost 2 years of struggle and incredible harassment, these brave people were told to move in 30 days and to pay the last month's rent, even though their gas had been maliciously cut off for over 40 days and the building officially condemned by the Bureau of Building Inspection. The tenants and their supporters are OUTRAGED by this blatant miscarriage of "justice".

Facts concerning the condemnation order, the 47 code violations, and the utilities cut-off were ruled inadmissable. The fact that the tenants had been unsuccessful in locating another dwelling because San Francisco is in the middle of a housing depression was also "not relevant". The only issue that was "relevant" was their 3-year lease which was ruled "invalid".

Though they are now under court order to vacate within 30 days, their resistance has not been without victories; their energy has not been spent in vain because many ▶▶

people were inspired by their example. 6 months rent money was saved and landlord (scumlord) Larry Weiner has been thoroughly exposed for the hypocrit that he is. He works at the "Peoples' Law School" and runs a radio show on KPOO called "People's Rights".

Weiner had to pay several thousand dollars in attorney's fees and court costs and the tenants have filed an affirmative action suit for the utilities cut off but eviction is a "summary action" which means that the landlord takes possession until the appeals are decided.

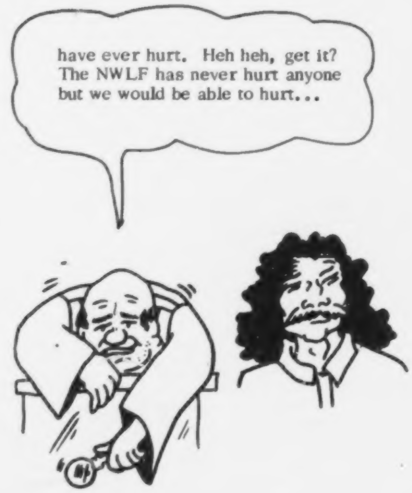
TENANTS PUNISHED

The experiences of 1140 Oak Street are an example that all tenants can identify with and learn from. Their courage and suffering must not be forgotten nor their fate buried in obscurity. Tenants must not rely on politicians and the legal system to protect them for, historically, they have never done so.

Tenants have no choice but to UNITE, in ever increasing numbers and with ever greater militancy. Make no mistake about it, the people at 1140 Oak Street are our people and their fate is our loss. We will not forget them!

PIR Report

This analysis was taken from a leaflet available from the Tenant's Action Group (TAG) at 1310 Haight Street, San Francisco. An analysis of the 333 Hyde Street eviction mentioned in the NWLF communique is also available from TAG in pamphlet form. ●


have ever hurt. Heh heh, get it? The NWLF has never hurt anyone but we would be able to hurt...

Meher Baba

(Armed struggle) may inflict much injury and even destruction upon an aggressor nation, and the use of force is against its deliberate and conscious will. In spite of the injury and harm involved, the application of force is not only for the good of the weaker nation, but in a very important sense it is also good for the aggressor nation itself, because through the resistance encountered to its aggression, it is gradually cured of the disease of having a tendency to invade and exploit the weak.

Defending the weak is an important form of selfless service and use of force, when necessary for this purpose, is completely justified as an indispensable instrument for secureing the desired objective. Any fighting undertaken to defend the weak must be without any selfish motives or hatred if it is to have unalloyed spiritual importance. ●

WHAT'S A PIR?

Sisters and brothers engaged in armed struggle - the peoples' forces - could not operate effectively if their identities were known. Complete security of identity is one of the underground's most important advantages in guerrilla warfare and in ideal circumstances, no one should know the identity of any member of a combat unit except other members. To communicate with the people, the underground must use an aboveground "relay" and the establishment media have proven to be treacherously unreliable. Communiques are edited down to the sensational and then sensationalized.

In addition, those selected for receipt of communiques often take police with them to pick them up thus placing original copies in the hands of the enemy and necessitating extraordinary security procedures.

For these reasons, sisters and brothers of Prairie Fire Organizing Committees, the Bay Area Research Collective, New Dawn Party, Peoples' Court Comrades and others - assisted by comrades with a few dollars for photocopying who operate informally and independantly - have assumed the responsibility for reproduction and distribution of information from the underground.

The informal group known as peoples' court comrades began the publication of NWLF communiques in September of 1975 and distributing them by mail and by posting in public places. This practice was continued until the end of 1975 when the group disbanded. On January 1st., the Peoples' Information Relay came into existence to assume the responsibility for conveying information from the peoples' forces to the people.

PIR-1 is relaying information for the New World Liberation Front and this will be done primarily through TUG but reprints of all NWLF communiques since October, pamphlets (a booby-trap manual is coming), and Pop eye, Analysis of the Peoples' Court, can be obtained for a small donation.

All donations to PIR-1 should be in cash or postage stamps since we don't keep records or deal with banks or any of that shit. Since PIR-1 has and is operating with a large deficit and is supported by comrades with very little money, donations will determine the size, quality and frequency of TUG and its other publications. If our efforts are not supported by the people, we will surely go under.

PIR - Peoples' Information Relay - is a concept and, as such, is a name that may be used be any person or group that wishes to perform that function. For purposes of identification, this PIR unit will refer to itself as PIR-1.

Others wishing to use the name can use numerical designation, location designations (i.e. Oakland PIR) or designations that honor revolutionary heroines and heros (i.e. The Jonathan Jackson PIR).

All comrades are urged to reproduce and distribute information from the underground by any means available. A photocopy costs as little as 2¢ and all PIR-1 publications will be designed for clear reproduction in this manner. None of the material in TUG is under copyright and may be freely reproduced by anyone. ●

◀◀◀21

people. The Chinese Communist Party was not separate from the people, it was of the people. A renegade like Stalin could never remain in a permanent position of power in China; the people are too liberated, too conscious of oppression.

Mao was the first of a modern school of communist revolutionaries who emphasized people instead of party and who rely on the people to remain in power. You don't organize a party to seize power, you organize the people! Bureaucracy cannot be consolidated, it must be eliminated!

And what can the imperialists see in the Chinese Revolution that they could use to forestall revolution in capitalist countries? That one fourth of humanity can live in relative harmony while 500 human beings are murdered each year in Detroit alone while white policemen sell heroin to black teenagers?

That one fourth of humanity is well fed and has access to adequate medical care and education while malnutrition, sickness and illiteracy are widespread in the wealthiest nation the world has ever known?

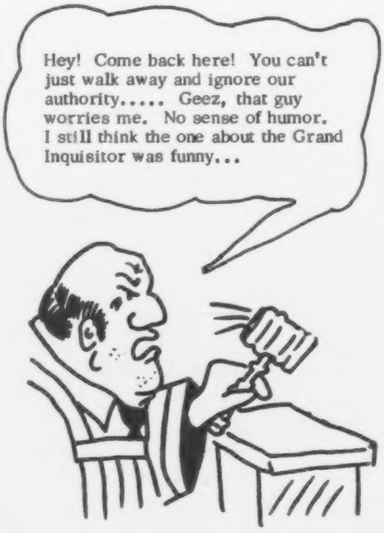
The Chinese Revolution is a milestone and a turning-point in the History of People. It is the greatest leap forward in the history of the planet because it is the first revolution without a counter-revolution.

Convict printer

Convict printer who can operate a 17 x 22 inch Harris press. San Quentin, Folsom or Soledad references necessary. We are not being sexist in accepting applications only from cons who did time in one of those 3 joints; we just do not have the facilities for checking on anyone who did time elsewhere, including the women's joints.

Applicants must be willing to do a certain amount of hanging out waiting for jobs. Pay is $5.00 an hour when there's work and the printing of TUG doesn't pay anything.

Disadvantages of position include police harrasment and the possibility of a Grand Jury subpoena. No one currently "wanted" by the pigs should apply, for obvious reasons. ●


Hey! Come back here! You can't just walk away and ignore our authority..... Geez, that guy worries me. No sense of humor. I still think the one about the Grand Inquisitor was funny...

Are You A Guerrilla?

The NWLF units are expanding and in order for us to best serve the interests of oppressed people, we must coordinate our units around a common strategy as well as tactics.

To unify our forces, we must take steps to ensure that newly forming NWLF units first meet certain requirements. This is not to discourage armed actions but rather to ensure a secure, unified and coordinated base and to avoid confusion.

Before units move under the NWLF banner, they must grasp the essentials of Marxist/Leninist/Maoist thought. They must grasp the process of class analysis and before a degree of theory is grasped, important supportive actions can be undertaken.

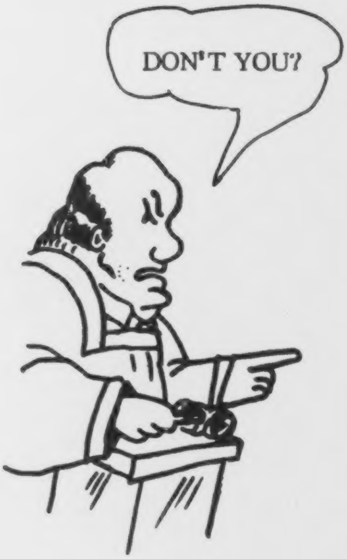
To move without a fundamental understanding of principled theory is like running in circles; striking out and wanting to move in the right direction but not knowing how. Confusion sets in when you are unable to understand and interpret the chain of events happening around you and will lead inevitably to a defeatist and discouraged attitude.

There is much we must realize; much we must unlearn. Our actions must be guided by principled theory if they are to represent and serve the needs of the people and it is in the interests of oppressed people that the NWLF must take steps to restructure our forces.

Therefore, we ask that all new units send their communiques to all revolutionary media in the Bay Area and we will see them. These actions and communiques will be evaluated by Central Command and this evaluation process will continue until the unit is recognized to move as an NWLF unit. Until units who support our strategy have gone through this evaluation process, they are asked not to declare themselves as NWLF. This will avoid confusion and prevent forseeable errors.

PIR Comment

These instructions are from a communique dated November 25 . The complete text is available from PIR and should be studied by all comrades engaged in or preparing for armed combat with the enemy. ●



Ruling Class Lackeys
chasing their ass
biting their tail
looking and searching
to no avail

We see them striking
slashing
murdering the poor

Organize!
Unite in struggle!
then time will tell
how oppressed people

United
determined
struggled to overcome

And how this death order fell

PEOPLES' FORCES
Central
Command
NWLF

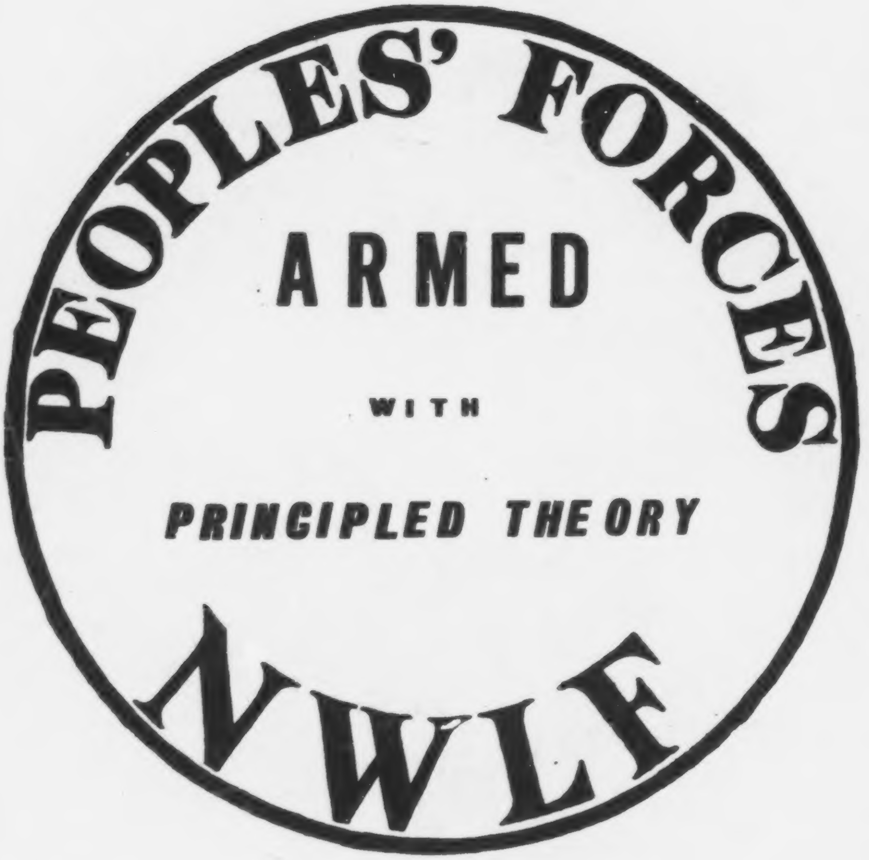
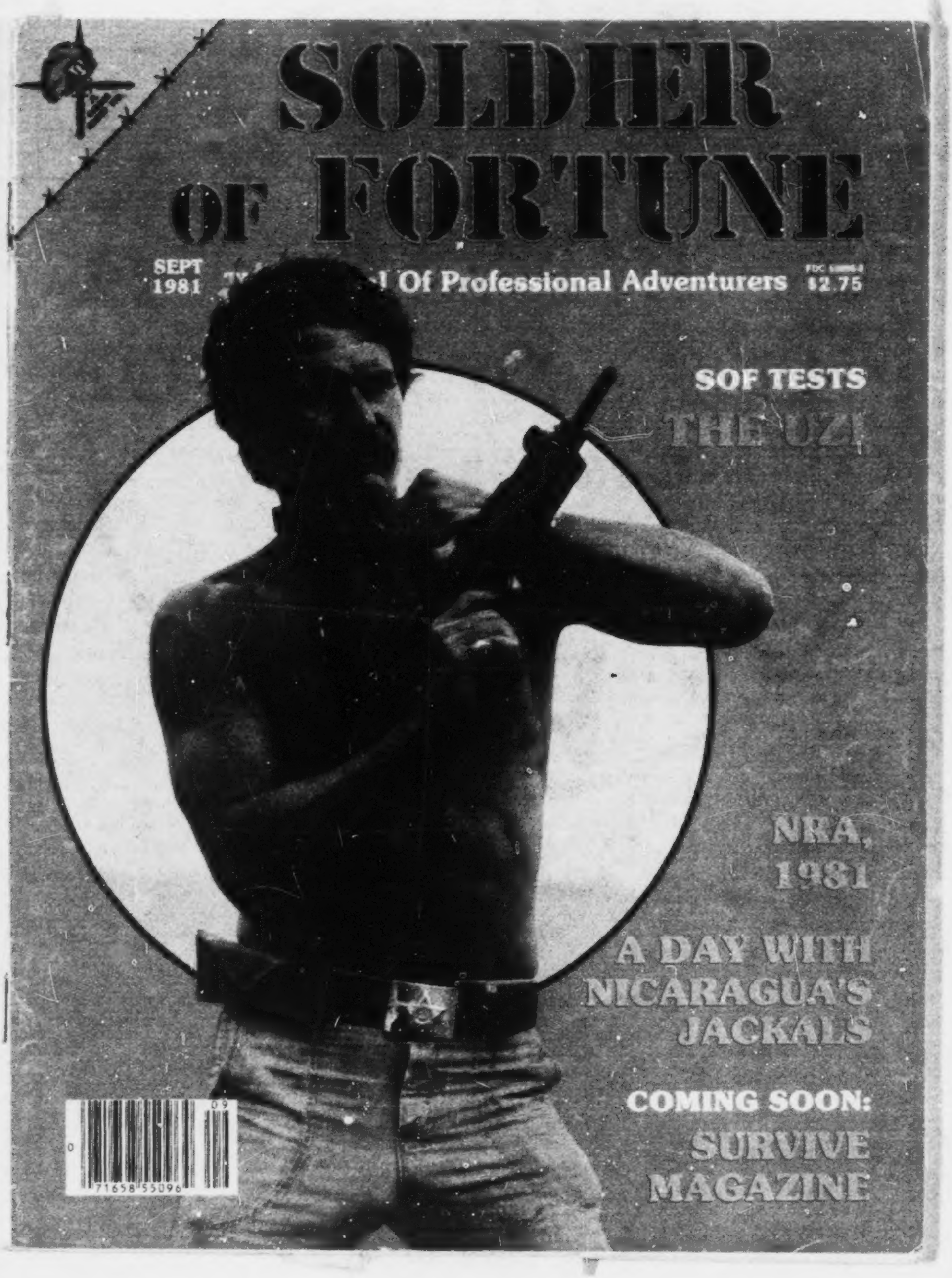

PEOPLES' FORCES
ARMED
WITH
PRINCIPLED THEORY
NWLF

Exhibit D



SOLDIER OF FORTUNE

SEPT
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SOF TESTS
THE UZI

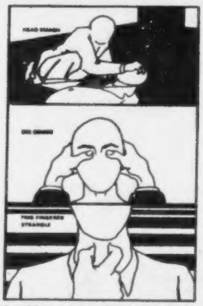
NRA,
1981

A DAY WITH
NICARAGUA'S
JACKALS

COMING SOON:
SURVIVE
MAGAZINE

NEW TITLES FROM THE ACTION LIBRARY:

PALADIN PRESS



Streetfighting techniques shown in "How To Kill I."

Note. No volume in the *How To Kill* series (volumes I, II, III, IV, V) is available in Canada due to legislation by the Canadian Solicitor General.

HOW TO KILL
by John Minnery

The definitive study of assassination techniques. In spite of the rather alarming title, *How To Kill* is written objectively, with an eye to historical relevance. The book makes no moral judgments, but merely describes what has been known for years by the professionals who are part of the shadowy world of international intrigue and espionage. As the author states in his preface, "My only premise is that there are times when one must attack with complete ruthlessness and fight with lethal fury. This fury and ruthlessness must be harnessed and directed to do the gravest possible damage—to kill." The 10 "lessons" presented in *How To Kill* are as authoritative as they are gruesome and terrifying. 5½ x 8½, softcover, diagrams, photos, 80 pp.
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by John Minnery

The author combines solid historical data with keenly imaginative scenarios to produce volume five of this infamous series. Minnery grimly explains how a new wave terrorist need not be a sophisticated nuclear physicist to wreak radioactive havoc with homemade atomic weapons. Detailed information on building the "Dragonfly," handheld, magnetometer-sanitary rocket gun. Presents a provocative lesson in self-defense—against attack dogs. "Eye-opening" tactics against night-vision sniper equipment. Actual photos of a "Flying Shotgun," WWI gauntlet dagger, the SOE pen-gun, mantraps, crossbows, and much more. 5½ x 8½, softcover, illus., 85 pp.
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Italy, 1944. Army Marksman tends 1903-A4 rifle.

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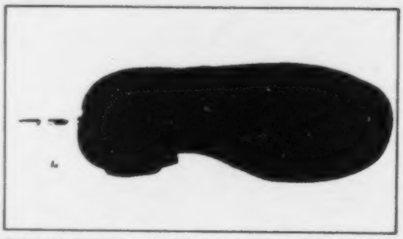

The barrel of this .22 caliber shoe gun, called the "Sole Survivor," is angled so the bullet will clear the sole when fired, which is done by hitting the rear of the firing device against a floor or wall. Note firing pin design in disassembled view. The cartridge shown is an industrial blank.

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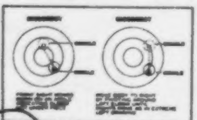

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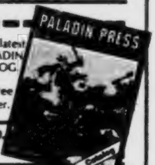

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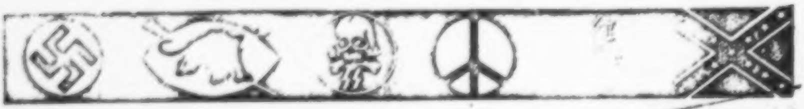
THE MILITANTS



FORMULARY

BY DON SISCO

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Affectionately dedicated to:

Lee Harvey Oswald
James Earl Ray
Sirhan Bishara Sirhan
Senator Thomas Dodd

Without whose efforts this work would be irrelevant.

If your hobby is Militant goodies and you have an idea or problem, don't hesitate to grab a crayon and write to me. This is a legitimate interest shared by people in all walks of life and all states of stability. So keep those cards and letters coming.

FORWARD

Col. Rex Applegate (U.S. Army, ret.) former OSS agent, graduate of the British commando school and ex-member of an assassination squad, has probably lit a powder keg with an interview he gave for the Jan. 1970 issue of SAGA magazine.

Author of Kill or Get Killed, Crowd and Riot Control and Riot Control, Col. Applegate is an undoubted expert in his field. But in the SAGA article, he has made the same mistake as the "ban the gun" fanatics, as can be seen from an excerpt from that otherwise fine article.

"He does not consider radical groups such as the Students for a Democratic Society a real threat in comparison to the new element he is probing.

"The present threat, he believes, comes from dangerous 'pyrotechnicians'-a little known and almost entirely unpublicized group of 'fireworks' fanatics who are capable of flooding the country with explosives and incindiaries.

"'Few people, including police, realize there are 25 to 30 so-called fireworks organizations which supply plans and formulas as well as chemicals to fireworks nuts,' he reveals.

"'These mail order outfits are far more serious than unrestricted gun sales. For a few dollars you can write away and get plans for bombs that will wipe out whole city blocks, or burn a police station with a single explosion. By obtaining one chemical here, and another there, and by using these fireworks formulas, a man bent on destruction can create a weapon against which we have almost no defense.

"' In the hands of saboteurs or dangerous factions, like RAM, they could knock out a whole city with a handful of men. All they have to do is employ guerilla tactics and these materials, and they've got it. Why, I could do it myself with a little help. It's widely known that any big city could fall to a small group of, say, 25 or 30 men. We're just damned lucky it hasn't happened so far.'"

What the good colonel doesn't seem to realize is that a pyrotechnic organization is not deliberately more dangerous to society than is a legitimate gun club. A pyrotechnist is a man who manufactures fireworks and/or conducts fireworks displays. Or he may be a member who simply likes to experiment for his own amusement. They are purists in an ancient and honorable art. They despise "basement bombers", as they describe militants.

Militants join their organizations for the same reasons they join gun clubs; to learn and to exploit the material for their own ends. Pyrotechnic organizations, usually communicating by mail, have no way of screening militants out.

Attacks on the National Rifle Association caused it to grow into a giant pro-gun lobby. Gun sales are up. Gun running of illegal weapons from state to state is common.

Attempts to suppress pyrotechnic organizations will publicize their lethal potential and thousands of militants will not only join present organizations but will create more as covers. They too will lobby. They will also set up underground chemical manufacturing plants and distribution centers. Under the covers of new pyrotechnic clubs and chemical manufacturers or distributors they will arm other militant to do exactly what Col. Applegate fears.

Thanks a heap, Colonel.

SOURCES

ATTENTION

The organizations listed herin, selling pyrotechnic supplies and chemicals and publishing the books are all legitimate businesses and their inclusion in this formulary is not an inference that they aré aware of or would sanction any illegal use of their information or products.

BOOKS

[Omitted.]

CHEMICALS AND LAB SUPPLIES

All chemical companies, including the five below, require an adult signature on all orders. This is simply to protect them in case a child is hurt with their chemicals. To avoid delays while they check to see if you are indeed an adult, it is a good idea to send them a Xeroxed copy of a driver's licence or some other proof of your age.

If you are one who likes to whip up a little something for the fourth of July, you can send them your I.D. with perfect confidence. So many thousands of persons order potentially dangerous chemicals that the only way a rocket going off over your town could be traced to you would be if parts of you followed it.

An aggravating thing about these companies that sell chemicals by the ounce and the pound is their slowness. If you don't want to wait a month for your catalogues, send two airmail stamps to each company with a request for promptness.

It is also best to order all the catalogues to insure getting the widest range of chemicals, as they don't all carry the same stock.

All the chemical catalogues cost 25¢.

[Omitted.]

The above companies deal mainly with hobbiests and experimenters who want simple lab equipment and chemicals from an ounce to a pound. If you are past the experimental stage and need chemicals in greater quantities, look in the Yellow Pages of your telephone book for wholesale chemical suppliers. If you live in a small town your local telephone company will have all the big town directories for reference. You might also go to the library and look in the Thomas Register for chemicals, lab gear and machinery for any operation.

FIREWORKS SUPPLIES

[Omitted.]

It is suggested that interested parties order all the above.

As with the chemical companies, these pyrotechnic firms will not mail their products to anyone without proof of age, which is simply to protect themselves from law suits resulting from children being injured by their products.

[Omitted.]

THE MILITANT'S FORMULARY

Several years ago someone figured out that a large percentage of crime was committed by people under the influence of alcohol. So they established prohibition. It turned the average drinker into his own brewer (and therefore made him a criminal) and organized the motley criminal element into super gangs of government influencing syndicates still with us.

Since three nuts shot three prominent people, a lot of old fogeys are calling for total registration of all guns. In the minds of most gun owners, especially political militants on both sides, registration promises eventual confiscation.

Prohibition turned many relatively sober people into alcoholics and many teetotalers into drinkers and many petty punks into gangland celebrities.

Registration and its threat has turned hundreds of thousands of casual gun owners into furtive gun nuts who buy and hide anything that shoots. Millions who owned no guns have since bought them. Thousands of political disidents have become gun runners, transporting illegal weapons from state to state.

The fear of eventual and varied repression has given rise to a new breed of American; the Militant. The American Militant may go down in our history and be lionized like the gunfighters, marshalls and desperados of the old West.

Already the Militants have their martyrs such as George Lincoln Rockwell and Malcolm X and dozens of violent types such as Minuteman chief Robert DePugh and Panther Huey Newton in jail who the Militants see as political prisonors.

As social and political chaos grows, more repression becomes necessary and disarmament seems more certain. Few Militants plan a shootout on the front steps when The Man comes to confiscate the guns. The Man will be a polite, official type only doing his job. To shoot him would not be heroic or politically advantageous. If the Militant is to be disarmed in a way that would be stupid to resist, then he must be armed in other ways.

In the past few years numerous books have been published on "Guerilla Warfare". The emphasis is away from guns and toward bombs, poisons and incindiaries.

The Militant devours these books and is transformed. To others, he seems a shabby, nondescript, run of the mill loser. But to himself he is a one man army with the power to destroy any individual or hundreds of any group. This poor man's James Bond not only has the power to destroy but to disrupt and terrorize with relative impunity.

A Militant with an eighth grade reading level can fix up a mad scientist's laboratory out of odds and ends and with easily purchased chemicals become more dangerous than a trained foreign saboteur.

Militants get most of their chemicals from out-of-state mail order chemical supply houses. These firms have, for years, supplied hobbiests, students and unsubsidized researchers with chemicals by the ounce and the pound. They sell their products indiscriminately but require an adult's signature to protect themselves from law suits by parents of injured children. Cool

Militants give their right names and addresses when ordering as they know the authorities would find it impossible to track down and check on the thousands of orders for dangerous chemicals from dozens of such firms. Besides, there is nothing illegal in the mere possession of any of these chemicals. Many Militants, especially the more cautious types, make out a list of the dozen or more chemicals they think they might need and order them from about three different firms. Under the multiple firm order system, the selection from any one firm seems innocent. If you should make out an order for fuming nitric acid, sulphuric acid and glycerine and send it to one firm, the owner would figure you wanted to make nitroglycerine. He would probably send it, but then again, he might not. But at least your intentions would be pretty clear.

The Militant wanting a lethal supply of chemicals without giving a clue as to what he wants them for, arranges his orders like this:

ORDER ONE

1 lb. sulphuric acid
1 lb. potassium nitrate
1 lb. dextrine
1 lb. barium peroxide

ORDER TWO

1 lb. powdered magnesium
¼ lb. metallic sodium
¼ lb. red phospherous
¼ lb. potassium permanganate

ORDER THREE

1 lb. potassium chlorate
1 lb. powdered charcoal
1 lb. pyro grade aluminum powder
1 lb. black antimony sulphide

Neither order, in itself, suggests any lethal item. They all, however, suggest a serious hobbiest or researcher replenishing a well stocked laboratory. Of course, more than four chemicals can be ordered from each firm, but the idea is to arrange orders that suggest nothing specific and thereby kill suspicion.

Inflammable chemicals cannot be mailed and so such orders are requested sent Railway Express collect even when they include several harmless chemicals.

THE STILL

Once the Militant has his chemicals he sets up his still. It is small and efficient and safe. In it he makes his tear gas, oleo-

[The remaining 25 pages were not reproduced because they give detailed instructions on such topics as tear gas, stinkum, explosives of all types, igniters, bombs, gas tank bombs, incendiaries, prussic acid, the 11-shot shotgun, firearm silencers, "zip" guns, how to beat a metal detector, blowing up a car, evading pursuit, and people's grenades.]

EXHIBIT F

STANDARDS AND PROCEDURES FOR THE COLLECTION OF INTELLIGENCE
BY THE LOS ANGELES POLICE DEPARTMENT
PUBLIC DISORDER INTELLIGENCE DIVISION

February 16, 1982 NEGOTIATING DRAFT

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STATEMENT OF PRINCIPLE

This policy governing the collection of intelligence information by Public Disorder Intelligence Division (herein PDID) defines the kind and degree of activity with which PDID is legitimately concerned, sets forth standards which must be met before particular procedures may be authorized, and provides for executive accountability and oversight.

In establishing this policy, the Police Commission intends to provide for the legitimate needs of law enforcement within limits established by Constitutional and statutory protections which guarantee our right to maintain our privacy, to receive, hold and express ideas, to dissent freely, to write and to publish, to petition for the redress of grievances, and to associate publicly and privately for any lawful purpose.

At the same time, the Commission recognizes the existence in our society of those who would challenge these rights through unlawful means. Therefore, we assert the principle that public disorder intelligence information, properly gathered, maintained, and used, is essential to the performance of the Los Angeles Police Department's mandated duty of preventing significant disruption of the public order or unlawful interference with our legally protected rights.

In reaching the delicate balance between protecting the rights of individual persons and providing for community peace, the Commission affirms the following principles:

1. PDID has a policy of absolute prohibition against the use of illegal or unauthorized methods of collecting information, a policy which shall remain in full force and effect. The Commanding Officer PDID is under an obligation to report to the Chief of Police any intelligence activity he has reason to believe is contrary to the scrupulous observation of this principle.

2. In the past, it could be said that intelligence gathering was directed towards organizations or individuals with "subversive" ideologies. Today, a much narrower line must be drawn, shifting the emphasis from the holding of ideas to the performance or threatened performance of criminally disruptive acts.

The Department, therefore, considers it both unnecessary and wrong to gather information on any organization unless its ideology advocates criminal conduct and its members have planned, threatened, attempted or performed such criminal conduct which could reasonably be expected to result in significant disruption of the public order. Likewise, it is both unnecessary and wrong to maintain a file on an individual unless that person is either a leader of such a group, or unless that person has planned, threatened, attempted or performed such acts.

Within this context, the Department also recognizes the distinction that must be drawn between certain violent individuals and organizations, clearly legitimate targets of intelligence, and individuals and organizations that engage in non-violent civil disobedience designed to capture the attention of those responsible for the formulation policy and law. In cases where individuals are engaged in such civil disobedience, typically ending in misdemeanor arrests, and their actions could not reasonably be expected to result in significant disruption of the public order, they shall not be targets of intelligence gathering, unless authorized elsewhere under this policy.

3. Although there are circumstances in which information about an individual's personal associations may be gathered, PDID shall not collect data about those associations nor about an individual's sexual, political or religious activities, beliefs or opinions -- or any dimension of private lifestyle -- unless that information is material to the

investigation, authorized under this policy, of a suspected unlawful act.

4. Finally, PDID personnel shall exercise all due caution and discretion in the use of information gathered so as not to interfere with the lawfully exercised rights of individuals acting alone or in concert with others.

I. STATEMENT OF PURPOSE

The primary task of PDID is different from the reactive work most commonly associated with the police function. Although in the course of its duties PDID collects evidence relevant to arrest and prosecution, its basic function is proactive -- the anticipation and prevention of crimes that could reasonably be expected to result either in significant disruption of the public order or in harassment on the basis of race, religion or national origin.

In great part, targets of PDID investigations are individuals and organizations that plan, perform, threaten or attempt unlawful actions -- such as assassinations, acts of terrorism, religious and ethnic intimidation, -- in the furtherance of certain societal objectives. Additionally, however, PDID collects information on certain other individuals and groups -- hijackers, arms-traffickers, prison gang members and the like -- who operate for personal benefit rather than for the advancement of social and political causes, but whose activities can reasonably be expected to result either in significant disruption of the public order or in harassment on the basis of race, religion or national origin.

In limited and defined ways, PDID gathers information on public demonstrations to assess the level of police deployment necessary to prevent unlawful interference with traffic, public health and public safety.

The focus of PDID activity is on the protection of persons and property in the City of Los Angeles. We are aware however, that terrorists are not respecters of boundaries. While reluctant to commit municipal police resources to the gathering of information on subjects in the other parts of the world, we have concluded that it is appropriate to gather intelligence on international terrorists and other persons and organizations whose conduct can reasonably be expected to affect the City of Los Angeles. Similarly, information will be gathered with respect to persons residing in Los Angeles who may commit acts of violence elsewhere and then return. In fulfilling these responsibilities to the City of Los Angeles, PDID may be called upon to work with other agencies and follow investigations into other jurisdictions.

II. DEFINITIONS

A. Significant disruption of the public order shall mean planned, performed, threatened or attempted unlawful acts which can reasonably be expected to result in death, serious bodily injury or significant property damage.

B. Level of Police Deployment. For purposes of clarity, assessment of the level of police deployment necessary to handle traffic and crowds, and to prevent unlawful interference with traffic, public health or safety, will be considered as an issue separate and apart from "significant disruption of the public order," as defined above.

C. Undercover Operator shall mean a Los Angeles police officer who assumes a fictitious identity to obtain information about individual persons or organizations through the development of long-term ongoing relationships with such persons or organizations, typically involving membership or continuing presence as part of the association.

D. Plainclothes Officer shall mean a Los Angeles Police Officer who may engage in all authorized investigative procedures other than undercover operations as described in C., above.

E. Surveillance shall mean the observation of a targeted individual or group of individuals by an undercover operator (undercover surveillance) or a plainclothes officer (plainclothes surveillance) for the purpose of collecting information material to the investigation of a target's suspected unlawful acts.

F. Electronic Surveillance shall mean the use of apparatus, in a concealed manner, to detect, locate, observe, record or intercept information about persons under Department investigation.

III. STANDARDS AND PROCEDURES FOR INVESTIGATIONS

Under federal law, the Department may collect information on an individual or group if there is a factually demonstrable connection between the subject of the investigation and reasonably foreseeable criminal activity. Under California law, a somewhat stronger factual linkage is required and an individual's reasonable expectation of privacy is more broadly viewed. In order to comply with the legitimate needs of law enforcement, within applicable law, and consistent with the public trust, PDID shall conduct intelligence gathering activities according to the following standards and procedures.

A. Individuals and Organizations

1. Preliminary Investigation

a. Prior to obtaining sufficient evidence to warrant the opening of a file (III B.) on an individual or organization, PDID may collect information on individuals and organizations based upon a reasonable indication that the individual or organization is planning, performing, threatening or attempting unlawful acts that could result either in significant disruption of the public order or in harassment on the basis of race, religion or national origin.

b. Information collected by PDID during Preliminary Investigations shall be pertinent to corroborating or refuting the allegations or information which form the reasonable indication, in order to determine whether there is a factual basis for qualifying the individual or organization for listing (III B.). Only information material to the authorized investigation of such allegations or information may be recorded.

c. PDID personnel may undertake Preliminary Investigations only with the approval of and under the supervision of the Commanding Officer PDID, whose written authorization shall set forth the reasons the allegations or information justify such action.

(Due to the specialized nature of the Prison Gang Investigative Unit (PGIU), detectives investigating prison gang suspects may conduct ongoing investigations leading to new criminal suspects, with authorization from PDID Section OIC.)

d. The Commanding Officer PDID, in initiating Preliminary Investigations, may authorize the following investigative techniques:

(1) Examination of LAPD (including PDID) records and files;

(2) Examination of records and files of other government or law enforcement agencies;

(3) Examination of public records and other sources of information available to the general public;

(4) Interviews with persons connected with the subject of the investigation, including informants.

(5) If the above listed techniques are inadequate to determine the validity of the allegations or information, the Commanding Officer, PDID, only after full consideration and determination that the threat posed by the organization or individual is serious, less intrusive techniques have been exhausted, and there is reasonable likelihood of corroboration of the allegation or /

CA 146

information, may give written authorization for surveillance by plainclothes officers of activities open to the public view, and only then for the purpose of investigating the allegations or information described in III (A)(1)(b).

e. Undercover surveillance and electronic surveillance shall not be undertaken during a Preliminary Investigation.

f. Further, PDID shall not collect information within the immediate vicinity of a public meeting room of a government body when that body is in session, unless such information is directly related to an investigation authorized under this policy or to the safety and security of officials or representatives involved in the meeting. Permission must be granted by the Commanding Officer PDID and whenever practicable the chairperson and security personnel of the body shall be notified by a supervisor of PDID, preferably in advance of the proceedings.

g. If, within a six month period of time, a Preliminary Investigation does not result in the opening of a file (per III B.), it shall be closed. However, the Commanding Officer PDID may authorize, in writing, a six-month extension of the Preliminary Investigation when there is a reasonable likelihood of corroboration of facts or information upon extension. The authorization shall include the circumstances that justify the extension. Once terminated, the Preliminary Investigation shall be segregated, pending destruction pursuant to law, unless utilization of the information is authorized elsewhere in this policy. Access to such segregated information shall be limited to members of the Board of Police Commissioners in their auditing function, or for other legal purposes, or to officers of PDID for the specific purpose of conducting an approved re-investigation, or to City Attorney Civil Branch Personnel for the specific purpose of advising said Commissioners or PDID personnel, or acting on pending litigation relating to PDID.

h. A Preliminary Investigation may be reopened only based on new information not previously considered which, if corroborated, would qualify the individual or organization for listing.

2. Opening of Files - (Listing)

a. Consistent with Standards and Procedures for the Los Angeles Police Department Public Disorder Intelligence Division Files, 1976, §§ II and III, files on individuals or organizations shall be opened only when there are allegations or information, which have been corroborated, that those individuals or organizations are planning, performing, threatening or attempting unlawful acts that could reasonably be expected to result either in significant disruption of the public order or in harassment on the basis of race, religion or national origin.

b. The opening of each file shall be approved by the Commanding Officer PDID whose written authorization shall constitute the opening entry of each new listing, and shall set forth the reasons for concluding that the required allegations or information which form the reasonabl~~y~~e indication described in III (A)(1)(a) have been corroborated.

3. Full Investigation

a. An individual or organization may be considered a legitimate subject of a Full Investigation only if the individual or organization is, or could be, the subject of a file in accordance with III B.

b. Procedures set forth for Preliminary Investigations are similarly authorized for Full Investigations.

c. Additionally, electronic surveillance or undercover operations may be initiated in a Full Investigation, subject to the following safeguards.

(1) Because of the extreme gravity of a decision to undertake such covert techniques to collect intelligence, any such decision will be made only by the Director, Office of Special Services, whose written authorization shall be classified as confidential and access to it limited on a strict need-to-know basis. It shall include information which bears upon:

* The probable cause to believe that an individual or organization is planning, performing, threatening or attempting unlawful acts that could result either in significant disruption of the public order or in harassment on the basis of race, religion or national origin; and

* The expected result in terms of prevention, arrest, prosecution, or termination of threat; and

* The expected duration of the undercover and/or electronic surveillance, and the provision for periodic review; and

* The cause to believe that less intrusive means are unavailable to achieve the investigative objective; and

* The cause to believe that the interests of privacy and free expression are outweighed by the nature and magnitude of the threatened harm when considered in light of the probability of its occurrance.

(2) The Chief of Police shall be informed in each case when undercover or electronic surveillance has been

authorized. He shall review all such covert activities at least semi-annually from a report approved by and prepared under the direction of the Director, Office of Special Services, and he shall determine whether those covert techniques shall be continued or terminated.

(3) Undercover Surveillance

An undercover infiltration of an organization may not be authorized unless both the individual in the organization and the organization itself are on file in PDID, pursuant to procedures set forth in III (A)(2).

Only that information which can be maintained in file in accordance with Commission policy will be recorded. (Information pertaining to an officer's whereabouts while on duty may be recorded for the specific and exclusive purpose of personnel administration.)

There are two circumstances in which undercover agents may be present in organizations or groups which are not on file and which are not legitimate targets. In either eventuality a report shall be made to the Chief of Police and Police Commission as soon as practicable. Those two circumstances are the following:

> Once an officer is engaged in undercover surveillance, in compliance with Commission policy, his/her surveillance of the targeted individual(s) or organization(s) may, in unusual circumstances lead him/her to other organizations or groups which are not on file and not legitimate targets of undercover surveillance. Additionally, an undercover agency may find it necessary to attend such other organizations or groups in order to establish a cover pattern. Once the agent has attended two such public or private meetings, he/she shall cause the Director Office of Special Services to be advised as soon as practicable. The Director Office of Special Services will, in turn, notify the Chief of Police and Police Commission. The undercover agent will remain in the organization or group the minimum amount of time necessary, and will participate only to the extent necessary to accomplish his/her authorized objective, consistent with his/her own safety.

B. Collection of information on terrorist trends

PDID shall collect intelligence on national and international terrorist trends that can reasonably be expected to affect the City of Los Angeles and environs. PDID shall examine terrorist tactics, develop terrorist profiles, assess terrorist threats, and develop techniques to protect potential targets with the approval of and under the supervision of Commanding Officer PDID. If the investigation leads to a focus on a specific individual or organization, further investigation shall be pursuant to procedures set forth in Section III A.

C. Involvement in protection of visiting dignitaries, public officials, and their immediate family members.

PDID, alone or in cooperation with other government law enforcement agencies or security personnel, may conduct a dignitary protection escort with the approval of, and under the supervision of the Commanding Officer PDID, who shall cause said

Official or dignitary to be advised in advance whenever practicable. Records shall be kept of such protection which may include plainclothes officers moving in crowds with the official/dignitary, looking for potential attackers, but in all other respects shall be pursuant to procedures set forth in Section III A.

D. Collection of information to protect individuals or organizations listed as "Potential Victims"

PDID may receive and record information pertaining to unlawful acts, threats, or intimidation of individuals and groups listed as potential victims, in compliance with Commission policy for such listing as set forth in Standards and Procedures for the Los Angeles Police Department Public Disorder Intelligence Division Files 1976 §IV, with the written approval of and under the supervision of the Commanding Officer PDID, who shall advise said victim, if practicable.

If there are allegations or information that a specific individual or organization poses a threat to the person or property of the potential victim, further investigation shall be pursuant to procedures set forth in Section III A.

E. Collection of information on public gatherings meetings, parades, demonstrations, rallies and other unusual public occurrences, to assess the level of police deployment necessary to prevent illegal interference with traffic, public health or safety.

1. The threatening, attempting, planning or engaging in public gatherings shall not, in and of itself, justify the use of investigative techniques.

2. PDID shall undertake the collection and reporting of information with respect to such public gatherings only as authorized by the provisions of this section and with written approval of the Commanding Officer PDID, unless independent authority has been obtained under other provisions of this policy.

3. Information gathered and reported under this Section shall be limited to that which is necessary to determine:

(a) The date, time, place, and type of activities planned;

(b) The number of persons expected to participate;

(c) The intended mode of transportation to the intended site or sites and the intended routes of travel.

4. Information shall be collected only by use of:

(a) Los Angeles Police Department files and indices;

(b) Public records and other public sources of information;

(c) Federal, state and local official records and employees; and,

(d) Interviewing persons involved in the planning of the public gathering, provided that initially PDID advise such persons of the authority to make the inquiry and the limited purpose for which it is made.

5. PDID shall not undertake plainclothes surveillance unless a participating organization and the leader/organizer are under investigation authorized by this policy, and then, only in conformance with Section III (A)(1)(d)(5).

6. Undercover surveillance and electronic surveillance shall not be undertaken during a public gathering, unless authorized elsewhere in this policy.

7. Information relating to such public gathering activities which are likely to require the City of Los Angeles to take action to facilitate the activities and provide public health and safety measures with respect to those activities, and which is either acquired incidentally by PDID or gathered pursuant to specific authorization granted by this Section, shall be reported to the Commanding Officer of the involved georgraphical area and appropriate officials of any other affected jurisdiction.

8. Information acquired or collected pursuant to this Section may be retained by PDID for a period of no more than six months, after which such information shall be sealed and segreated pending disposition, but in any event such information may not be cross-indexed with other PDID files in a manner which permits identification of an individual or organization with a particular public gathering, or permits retrieval of information by reference to a specific individual or organization, unless the individual or organization is the subject of another investigation authorized under this policy.

F. Collection of information on prison gangs and their members and associates

PDID, alone or in cooperation with other agencies and jurisdictions, may collect and index information on prison gangs and their hard-core members and associates, and pursue criminal investigations, utilizing current and accepted investigative procedures set forth by Department policy, with the authorization of and under the supervision of the Commanding Officer, PDID. The Prison Gang index, listing gangs and gang members, may substitute for files on individuals and organizations.

IV. RECORDING OF INFORMATION

1. Only information material to an investigation, authorized under this policy, may be recorded.

2. No information observed from materials or conversations in non-targeted organizations or groups may be recorded unless it pertains to unlawful acts that would otherwise qualify for investigation under the provisions of this policy.

3. No record or use shall be made of incidental information gathered or received by PDID if it is not relevant to an investigation which is, or could be, authorized under this policy.

4. As tc Privileged Information Under California Evidence Code §§ 950-962 and 1010-1036.2, which includes the lawyer-client privilege, psychotherapist-patient privilege, clergyman-penitent privilege, and sexual assault victim-counselor privilege:

(1) No undercover officer shall intentionally gather information which is so privileged and, upon inadvertent receipt of a privileged communication, shall make every effort to terminate such receipt. Under no circumstances may an officer record or make evidentiary use of such privileged information, however

obtained.

(2) Where privileged information is gathered by an informant on his or her own initiative, no record or use in an ongoing investigation shall be made of the information. However, the occurrence of such an incident shall be reported in writing to the Chief of Police and Police Commission.

5. All information entered in files as previously described shall be accomplished by means of intelligence reports (LAPD Form 1.89) As to information from intelligence reports generated as a result of police investigations:

(1) The original source must be identified by name or other identifier; together with,

(2) An indication of the relative reliability of the information and its source by way of independent corroboration or other indication of reliability, or with a statement as to the absence of independent corroboration and the reasons therefor.

(3) As to information in the form of photographs or tapes, only the likeness or voice of the subject authorized for investigation shall appear, and not the likeness or voice of any additional individuals. If, however, the photographs or tapes depict the commission of a crime or cannot reasonably be excised without

damaging the utility of the photographs or tapes or the identifiability of the subject, the likeness or voice of any additional individuals may remain, with a notation as to the specific reason for inclusion.

V. AUDITING OF THE PUBLIC DISORDER INTELLIGENCE DIVISION

At least annually, the President of the Board of Police Commissioners shall appoint two members of the Board to audit the operation of PDID in order to monitor its compliance with Commission policy governing PDID Standards and Procedures. The audit shall consist of at least the following steps:

(1) A review of all current PDID regulations relating to Commission policy governing PDID Standards and Procedures.

(2) A review of all materials gathered, received, developed or maintained by PDID for general or specific intelligence purposes, to ensure compliance with the intent of Commission policy.

(2) A written report delineating the nature of the audit activities and setting forth findings indicating whether Commission policy is being complied with by PDID.

At the time of the annual audit specified above, or at any time upon request, said Commissioners shall be advised in writing by the Commanding Officer of PDID as to which Organizations, Individuals, Significant Dates, and Potential Victims have been added to the files and which ones have been deleted since the date of the last audit, and the status of all Preliminary Investigations.

STANDARDS AND PROCEDURES FOR
THE LOS ANGELES POLICE DEPARTMENT
PUBLIC DISORDER INTELLIGENCE DIVISION FILES

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Adopted by the Board of Police Commissioners December 16, 1976.

STATEMENT OF PRINCIPLE AND PURPOSE

The Los Angeles Police Department is charged with the primary responsibility for maintaining public order in Los Angeles. This includes both law-enforcement and peace-keeping functions.

As a necessary means by which these duties are fulfilled, the Department maintains the Public Disorder Intelligence Division (PDID). Its function is to develop and maintain information which the Department needs to successfully meet its responsibility to protect the community.

The Department recognizes that special care must be taken in this area to avoid interference with the constitutional rights of citizens to maintain their privacy, to speak and dissent freely, to write and to publish, and to associate privately and publicly for any lawful purpose whatsoever.

No other aspect of the Department's duties requires such detached and sensitive judgments on the part of individual peace officers. Nowhere else is reverence for the law more demanding and demanded.

Therefore, the primary mission of PDID is the collection and maintenance of only that information which is necessary to protect the citizens of Los Angeles from unlawful disruption of the public order and from unlawful interference with their legally protected civil rights.

In general, the political and personal beliefs or preferences of any individual, group, or organization are not of relevance or of concern to the Department. Individuals and organizations are of concern to the Department only when there is a substantial threat that their activities will result in public disorder.

The guidelines which follow establish standards and procedures for the compilation and retention of information which are consistent with an open society, with a democratic form of government, and with constitutionally protected rights of privacy and expression.

I. DEFINITIONS

A. "Disruptive" or "disruption of the public order" shall mean illegal acts (1) which can reasonably be expected to result in bodily injury or property damage, and (2) the purposes of which are to further societal objective or influence societal action.

B. "Organization" shall mean any association or group of individuals.

C. "Unlawful" or "illegal" shall mean violation of state statutes, federal statutes, or city ordinances.

D. "In Los Angeles" shall mean conduct which occurs within the City of Los Angeles or within the immediate vicinity thereof or conduct which can reasonably be expected to affect persons or property in the City of Los Angeles.

E. "Listing" shall mean the compilation, analysis, recording, and storage of information with respect to a specific organization or individual.

F. "Files" shall mean collections of information in the form of file cards, reports, photographic materials, or tape recordings.

G. "Dissemination" shall mean the communication of any information contained within PDID files to any person not assigned to PDID. This shall include communications initiated by PDID personnel (whether to persons inside or outside of the Department) as well as communications made in response to specific requests for information (received from persons either inside or outside of the Department).

II. STANDARDS GOVERNING THE LIST OF SPECIFIC ORGANIZATIONS:

A. Files may be maintained on organizations which threaten, attempt, plan, or perform acts disruptive of the public order.

B. Files may be maintained on organizations which possess or attempt to acquire quantities of arms, ammunition or explosives for the purpose of disruption of public order.

C. Files may be maintained on organizations whose primary purpose is assisting or financing organizations which have been listed in accordance with A. and B. above.

III. STANDARDS GOVERNING THE LISTING OF SPECIFIC INDIVIDUALS:

A. Files may be maintained on individuals who threaten, attempt, plan or perform acts disruptive of the public order.

B. Files may be maintained on individuals who officially act for, or who determine or execute the policies of organizations which have been listed in accordance with Section II above.

IV. CLASSIFICATION AND DESCRIPTION OF FILES AND LISTS:

PDID shall maintain a "File of Individuals," a "File of Organizations," a "File of Source Materials," a "File of Significant Dates," and a "List of Potential Victims."

A. The "File of Individuals" shall consist to alphabetically arranged cards. Each card shall contain the following sections:

(1) The name, aliases, addresses, and other relevant identifying information;

(2) A statement of the specific reasons for listing this individual;

(3) A brief summary of each specific piece of related intelligence information included in the "Files of Source Materials," a cross-reference to the source material, a description of the source, a coded evaluation of the relative reliability of the source, and the relevant dates of the information;

(4) A notation of each dissemination with respect to this individual and a cross-reference to each Inquiry/Dissemination Log entry.

B. The "File of Organizations" shall consist of alphabetically arranged cards. Each card shall contain the following sections:

(1) The name, location(s), and other relevant identifying information;

(2) A statement of the specific reason for listing this organization;

(3) A brief summary of each piece of related intelligence information included in the "File of Source Materials," a cross-reference to the source material, a description of the source, a coded evaluation of the relative reliability of the source, and the relevant dates of the information;

(4) A notation of each dissemination with respect to this organization and a cross-reference to each Inquiry/Dissemination Log entry.

C. The "File of Source Materials" shall contain only such information as is relevant and necessary to the mission of PDID.

All intelligence information is to be identified by date and specific source.

Each item of intelligence information shall be separately numbered and cross-referenced to the appropriate "File of Individuals" and/or "File of Organizations."

D. The "File of Significant Dates" shall consist of a list of calendar dates which have been occasions for public disorders or which, it is reasonable to believe, may become occasions for public disorders.

Appropriate information shall accompany the entry.

E. The "List of Potential Victims" shall consist of a list of individuals, organizations, places and things which have been targets of attacks or disruptions or, it is reasonable to believe, may become targets of attacks or disruptions.

Each card shall include identification of the potential victim, the reasons for inclusion of the organization or individual in this list, and the identity of the persons and/or organizations who have or who it is reasonable to believe, may cause the attack or disruption.

V. STANDARDS AND PROCEDURES FOR THE RECORDING AND STORAGE OF INFORMATION IN THE FILES:

A. Each entry, and each corresponding source document, shall contain only information which is relevant to past or possible future disruptions of the public order. All other information gathered by PDID shall be deleted and destroyed prior to the filing of the source material and/or the making of a card entry.

B. The initiation of a file with respect to an organization or an individual not then currently listed shall require the specific approval of the Commanding Officer of PDID.

C. The addition of an item of information to any existing File requires the specific approval of one of the Section Officers-in-Charge.

D. As to file information in the form of photographs or tapes: only the likeness or voice of the file subject shall appear, and not the likeness or voice of any additional individuals. If, however, the photographs or tapes depict the commission of a crime or cannot reasonably be excised without damaging the utility of the photographs or tapes or the identifiability of the file subject, the likeness or voice of any additional individuals may remain.

VI. SOURCES OF INFORMATION:

A. Intelligence reports (Form 1.89) generated as a result of police investigations. The original source must be identified (by name or other identifier), together with an indication of the relative reliability of the information.

B. Publications and other public communication sources. The entry shall be accompanied by an indication of the relative reliability of the information.

C. Communications from other law enforcement agencies. The source shall be identified, by name or other identifier, together with an indication of the relative reliability of the information.

VII. STANDARDS AND PROCEDURES FOR DISSEMINATION OF INFORMATION CONTAINED IN THE FILES:

A. Intelligence information may be provided to other personnel in LAPD or to outside law enforcement agencies only on a need-to-know basis.

B. "Need to know" for an outside law enforcement agency shall mean that the requested information is both useful and necessary in assisting that law enforcement agency in preventing acts disruptive of the public order.

C. "Need to know" for other personnel of LAPD shall mean that the requested information is both useful and necessary in preventing disruption of the public order in Los Angeles.

D. The agency to which the information is given shall be on a list approved by the Commanding Officer of PDID. Prior approval of one of the Section Officers-in-Charge shall be obtained before any information is provided to anyone outside of PDID. All information provided to persons outside of PDID shall include an indication of the relative reliability of the information.

E. The persons who are eligible to receive information from PDID are as follows:

(1) As to outside law enforcement agencies which have a functioning operation comparable to that of PDID, information may only be disseminated to an intelligence officer of such agency.

(2) As to outside law enforcement agencies which do not have a functioning operation comparable to that of PDID, such information shall only be disseminated to police personnel who are section heads or above.

(3) As to other personnel of LAPD, information shall be disseminated only to Team or Section leaders or above or acting Team or Section leaders.

F. An Inquiry/Dissemination log shall be maintained on a chronological basis. It shall contain:

(1) A record of each inquiry and/or dissemination, whether concerning an outside agency or another LAPD Division;

(2) The name of the person and agency requesting such information;

(3) The need to know as stated by the requesting party.

(4) The name of the LAPD person approving the dissemination of the information;

(5) An indication of the information provided. In addition, a notation shall be made on the appropriate "Individual" and/or "Organization" file card as to what information was provided.

VIII. REVIEW PROCESS: REMOVAL OF FILE CARDS, ENTRIES AND DESTRUCTION OF FILE CARDS:

A. The files of each listed Organization and Individual, the File of Significant Dates, and the List of Potential Victims shall be reviewed within thirty (30) days following the close of each calendar year, or more frequently, if necessary, by supervisory personnel selected by and under the direction of the Commanding Officer of PDID. Each review engaged in, pursuant to the provisions hereof, shall include at least the following steps:

(1) A review of each PDID file.

(2) Information which is found to be outdated, or for some other reason is no longer relevant, shall be removed and destroyed.

(a) Removal of specific items of information shall require the approval of a PDID Section Officer-in-Charge.

Any file from which information is removed shall contain a notation of the date of removal and the name of the person authorizing such removal.

(b) A file with respect to a listed Organization, Individual, Significant Date, or Potential Victim, which is outdated, or for some other reason no longer necessary, shall be removed and destroyed.

Removal of specific files shall require the approval of the Commanding Officer of PDID.

Whenever information is removed from an Organization, Individual, Significant Date, or Potential Victim file; or whenever the specific file is removed, the corresponding documents from the File of Source Materials shall also be removed and destroyed.

(3) Within thirty (30) days following completion of the review required pursuant to the provisions of Paragraph A, supra, the Commanding Officer of PDID shall submit a report to the Board through the Chief of Police summarizing the review that was conducted. This report shall contain at least the following:

(a) The procedures utilized in the review process.

(b) A statement concerning whether the PDID was found to be in compliance with these guidelines. If any noncompliance was discovered, the report shall also specify in what manner there had been noncompliance and what steps had been taken to bring PDID procedures into compliance.

B. Within thirty (30) days after each review, the Commanding Officer of PDID shall also send to the Board, through the Chief of Police, a list of any Organization, Individual, Significant Dates, or Potential Victim files which have lain dormant (i.e., received no file entries) for a period of five (5) years. Each such file shall be removed and destroyed unless good and substantial cause exists for its retention. "Good and substantial cause" shall be found to exist only if the Commanding Officer of PDID transmits to the Board in writing his specific reason or reasons for desiring the file to remain in existence. The file shall be retained if the Board approves such retention, based upon the reasons given by the Commanding Officer of PDID. Whenever such file cards are retained, an explanation shall be entered on the card which specifies the reasons for retention.

IX. AUDITING OF THE PUBLIC DISORDER INTELLIGENCE DIVISION:

At least semi-annually, the President of the Board of Police Commissioners shall appoint two members of the Board to audit the operation of PDID in order to monitor its compliance with these guidelines. The semi-annual audit shall consist of at least the following steps:

(1) A review of all current PDID regulations relating to these guidelines.

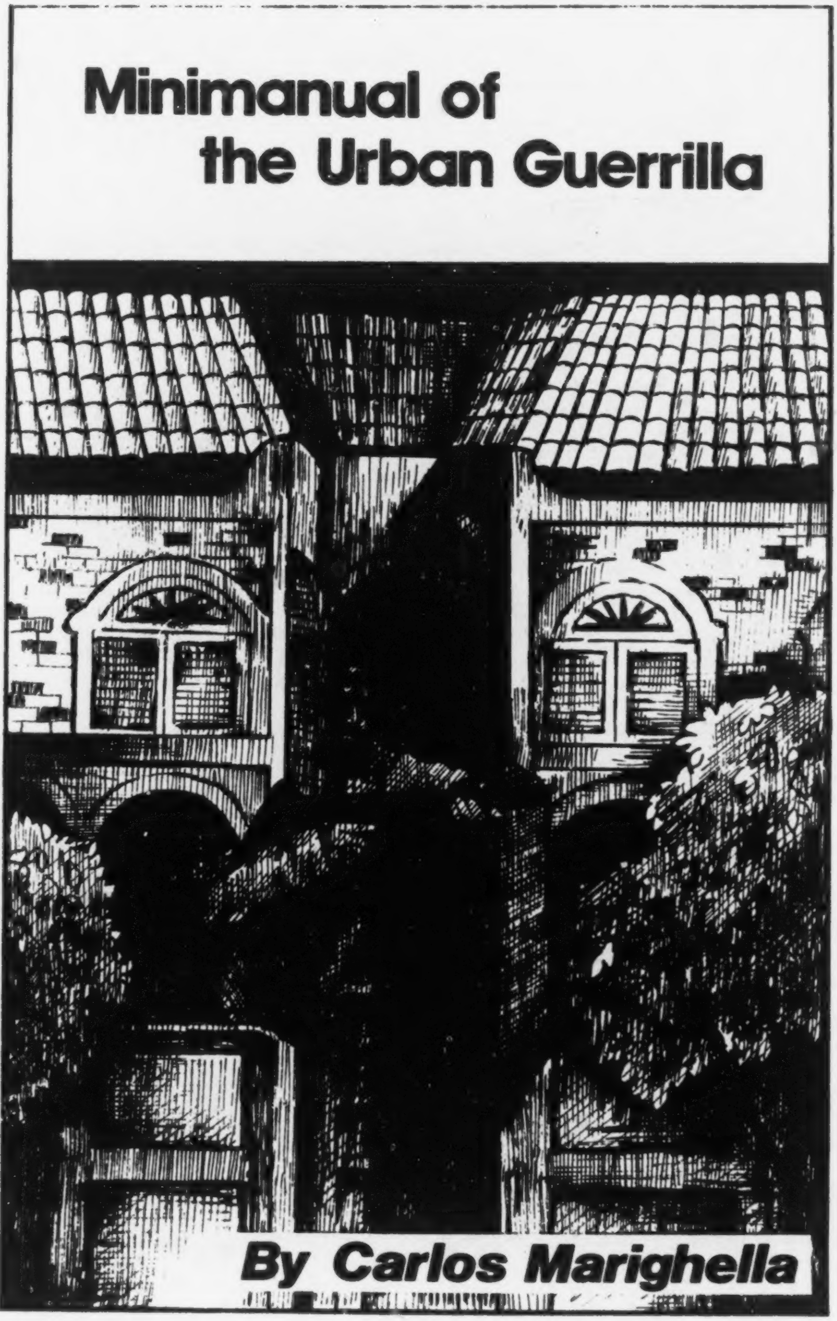
(2) A written report delineating the nature of the audit activities and setting forth findings indicating whether these guidelines are being complied with by PDID.

At the time of the semi-annual audit specified above, said Commissioners shall be advised in writing by the Commanding Officer of PDID as to which Organizations, Individuals, Significant Dates, and Potential Victims have been added to the files and which ones have been deleted since the date of the last semi-annual audit.

X. FILE SECURITY:

The Commanding Officer of PDID shall be responsible for the promulgation of written procedures to ensure necessary file security. These written procedures, or any change, modification or deletion thereof, shall be submitted to the Commissioner who performs the semi-annual audit.

EXHIBIT G



Minimanual of the Urban Guerrilla

By Carlos Marighella

MINIMANUAL OF
THE URBAN GUERRILLA

By:

CARLOS MARIGHELLA

BY WAY OF INTRODUCTION

I WOULD LIKE TO MAKE A TWOFOLD DEDICATION OF THIS WORK: FIRST TO THE MEMORIES OF EDSON SOUTO, MARCO ANTONIO BRAS DE CARVALHO, NELSON JOSE DE ALMEIDA ("ESCOTEIRO"), AND SO MANY OTHER HEROIC FIGHTERS AND URBAN GUERRILLAS WHO FELL AT THE HANDS OF ASSASSINS OF THE MILITARY POLICE, THE ARMY, THE NAVY, THE AIR FORCE, AND THE DOPS [1], HATED INSTRUMENTS OF THE REPRESSIVE MILITARY DICTATORSHIP.

SECOND, THE THE BRAVE COMRADES - MEN AND WOMEN - IMPRISONED IN THE MEDIEVAL DUNGEONS OF THE BRAZILIAN GOVERNMENT AND SUBJECTED TO TORTURES THAT EVEN SURPASS THE HORRENDOUS CRIMES PRACTICED BY THE NAZIS.

LIKE THOSE COMRADES WHOSE MEMORY WE REVERE, AS WELL AS THOSE TAKEN PRISONER IN BATTLE, WHAT WE MUST DO IS FIGHT.

EACH COMRADE WHO OPPOSES THE MILITARY DICTATORSHIP AND WANTS TO FIGHT IT CAN DO SOMETHING, HOWEVER INSIGNIFICANT THE TASK MAY SEEM.

I URGE ALL WHO READ THIS MINIMANUAL AND REACH THE CONCLUSION THAT THEY CANNOT REMAIN INACTIVE, TO FOLLOW ITS INSTRUCTIONS AND JOIN THE FIGHT NOW. I DO SO BECAUSE, UNDER WHATEVER HYPOTHESIS AND IN WHATEVER CIRCUMSTANCES, THE DUTY OF EVERY REVOLUTIONARY IS TO MAKE THE REVOLUTION.

ANOTHER IMPORTANT PROBLEM IS NOT MERELY TO READ THE MINIMANUAL HERE AND NOW, BUT TO CIRCULATE ITS CONTENTS. THIS CIRCULATION WILL BE POSSIBLE IF THOSE WHO AGREE WITH ITS IDEAS MAKE MIMEOGRAPHED COPIES OR PRINT IT IN A PAMPHLET, THOUGH IN THIS LATTER CASE, ARMED STRUGGLE ITSELF WILL BE NECESSARY.

FINALLY, THE REASON THAT THE PRESENT MINIMANUAL BEARS MY SIGNATURE, IS THAT THE IDEAS EXPRESSED OR SYSTEMATIZED HERE REFLECT THE PERSONAL EXPERIENCE OF A GROUP OF MEN ENGAGED IN ARMED STRUGGLE IN BRAZIL, AMONG WHOM I HAVE THE HONOR TO BE included. So that certain individuals will have no doubt about what this minimanual proclaims and can no longer deny the facts or continue to state that the conditions for the struggle do not exist, it is necessary to assume responsibility for what is said and done. Hence anonymity becomes a problem in a work such as this. The important fact is that there are patriots prepared to fight like ordinary soldiers, and the more there are the better.

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[1] DEPARTMENT OF PUBLIC AND SOCIAL ORDER. (EDITOR'S NOTE)

The accusation of assault or terrorism no longer has the pejorative meaning it used to have. It has acquired new clothing, a new coloration. It does not factionalize, it does not discredit: on the contrary it represents a focal point of attraction.

Today to be an assailant or a terrorist is a quality that ennobles any honorable man because it is an act worthy of a revolutionary engaged in armed struggle against the shameful military dictatorship and its monstrosities.

A Definition of the Urban Guerrilla

The chronic structural crisis characteristic of Brazil today, and its resultant political instability, are what have brought about the upsurge of revolutionary war in the country.

The urban guerrilla is a man who fights the military dictatorship with arms, using unconventional methods. A political revolutionary and an ardent patriot, he is a fighter for his country's liberation, a friend of the people and of freedom. The area in which the urban guerrilla acts is in the large Brazilian cities. There are also bandits, commonly known as outlaws, who work in the big cities. Many times assaults by outlaws are taken as actions by urban guerrillas.

The urban guerrilla, however differs radically from the outlaw. The

OUTLAW BENEFITS PERSONALLY FROM THE ACTION, AND ATTACKS INDISCRIMINATELY WITHOUT DISTINGUISHING BETWEEN THE EXPLOITED AND THE EXPLOITERS, WHICH IS WHY THERE ARE SO MANY ORDINARY MEN AND WOMEN AMONG HIS VICTIMS. THE URBAN GUERRILLA FOLLOWS A POLITICAL GOAL AND ONLY ATTACKS THE GOVERNMENT, THE BIG CAPITALISTS, AND THE FOREIGN IMPERIALISTS, PARTICULARLY NORTH AMERICANS.

ANOTHER ELEMENT JUST AS PREJUDICIAL AS THE OUTLAW AND ALSO OPERATING IN THE URBAN AREA IS THE RIGHT-WING COUNTERREVOLUTIONARY WHO CREATES CONFUSION, ASSAULTS BANKS, HURLS BOMBS, KIDNAPS,ASSASSINATES, AND COMMITS THE WORST IMAGINABLE CRIMES AGAINST URBAN GUERRILLAS, REVOLUTIONARY PRIESTS, STUDENTS, AND CITIZENS WHO OPPOSE FASCISM AND SEEK LIBERTY.

THE URBAN GUERRILLA IS AN IMPLACABLE ENEMY OF THE GOVERNMENT AND SYSTEMATICALLY INFLICTS DAMAGE ON THE AUTHORITIES AND ON THE MEN WHO DOMINATE THE COUNTRY AND EXERCISE POWER. THE PRINCIPAL TASK OF THE URBAN GUERRILLA IS TO DISTRACT, TO WEAR OUT, TO DEMORALIZE THE MILITARISTS, THE MILITARY DICTATORSHIP AND ITS REPRESSIVE FORCES, AND ALSO TO ATTACK AND DESTROY THE WEALTH AND PROPERTY OF THE NORTH AMERICANS, THE FOREIGN MANAGERS, AND THE BRAZILIAN UPPER CLASS.

THE URBAN GUERRILLA IS NOT AFRAID OF DISMANTLING AND DESTROYING THE PRESENT BRAZILIAN ECONOMIC, POLITICAL, AND SOCIAL SYSTEM, FOR HIS AIM IS TO HELP THE RURAL GUERRILLA AND TO COLLABORATE IN THE CREATION OF A TOTALLY NEW AND REVOLUTIONARY SOCIAL AND POLITICAL STRUCTURE, WITH THE ARMED PEOPLE IN POWER.

THE URBAN GUERRILLA MUST HAVE A CERTAIN MINIMAL POLITICAL UNDERSTANDING. TO GAIN THAT HE MUST READ CERTAIN PRINTED OR MIMEOGRAPHED WORKS SUCH AS:

GUERRILLA WARFARE BY CHE GUEVARA

Memories of a Terrorist

Some Questions about the Brazilian

Guerrilla Operations and Tactics

On Strategic Problems and Principles

Certain Tactical Principles for Comrades Undertaking

Guerrilla Operations

Organizational Questions

O Guerrilheiro, newspaper of the Brazilian revolutionary groups.

Personal Qualities of the Urban Guerrilla

The urban guerrilla is characterized by his bravery and decisive nature. He must be a good tactician and a good shot. The urban guerrilla must be a person of great astuteness to compensate for the fact that he is not sufficiently strong in arms, ammunition, and equipment.

The career militarists or the government police have modern arms and transport, and can go about anywhere freely, using the force of their power. The urban guerrilla does not have such resources at his disposal and leads a clandestine existence. Sometimes he is a convicted person or is out on parole, and is obliged to use false documents.

Nevertheless, the urban guerrilla has a certain advantage over the conventional military or the police. It is that, while the military and the police act on behalf of the enemy, whom the people hate, the urban guerrilla defends a just cause, which is the people's cause.

The urban guerrilla's arms are inferior to the enemy's, but from a moral point of view, the urban guerrilla has an undeniable superiority.

This moral superiority is what sustains the urban guerrilla. Thanks to it, the urban guerrilla can accomplish his principal duty, which is to

ATTACK AND TO SURVIVE.

THE URBAN GUERRILLA HAS TO CAPTURE OR DIVERT ARMS FROM THE ENEMY TO BE ABLE TO FIGHT. BECAUSE HIS ARMS ARE NOT UNIFORM, SINCE WHAT HE HAS ARE EXPROPRIATED OR HAVE FALLEN INTO HIS HANDS IN DIFFERENT WAYS, THE URBAN GUERRILLA FACES THE PROBLEM OF A VARIETY OF ARMS AND A SHORTAGE OF AMMUNITION. MOREOVER, HE HAS NO PLACE TO PRACTICE SHOOTING AND MARKSMANSHIP.

THESE DIFFICULTIES HAVE TO BE SURMOUNTED, FORCING THE URBAN GUERRILLA TO BE IMAGINATIVE AND CREATIVE, QUALITIES WITHOUT WHICH IT WOULD BE IMPOSSIBLE FOR HIM TO CARRY OUT HIS ROLE AS A REVOLUTIONARY.

THE URBAN GUERRILLA MUST POSSESS INITIATIVE, MOBILITY, AND FLEXIBILITY, AS WELL AS VERSATILITY AND A COMMAND OF ANY SITUATION. INITIATIVE ESPECIALLY IS AN INDISPENSABLE QUALITY. IT IS NOT ALWAYS POSSIBLE TO FORESEE EVERYTHING, AND THE URBAN GUERRILLA CANNOT LET HIMSELF BECOME CONFUSED, OR WAIT FOR ORDERS. HIS DUTY IS TO ACT, TO FIND ADEQUATE SOLUTIONS FOR EACH PROBLEM HE FACES, AND NOT TO RETREAT. IT IS BETTER TO ERR ACTING THAN TO DO NOTHING FOR FEAR OF ERRING. WITHOUT INITIATIVE THERE IS NO URBAN GUERRILLA WARFARE.

OTHER IMPORTANT QUALITIES IN THE URBAN GUERRILLA ARE THE FOLLOWING: TO BE A GOOD WALKER, TO BE ABLE TO STAND UP AGAINST FATIGUE, HUNGER, RAIN, HEAT. TO KNOW HOW TO HIDE AND TO BE VILIGANT. TO CONQUER THE ART OF DISSEMBLING. NEVER TO FEAR DANGER. TO BEHAVE THE SAME BY DAY AS BY NIGHT. NOT TO ACT IMPETUOUSLY. TO HAVE UNLIMITED PATIENCE. TO REMAIN CALM AND COOL IN THE WORST CONDITIONS AND SITUATIONS. NEVER TO LEAVE A TRACK OR TRAIL. NOT TO GET DISCOURAGED.

IN THE FACE OF THE ALMOST INSURMOUNTABLE DIFFICULTIES OF URBAN WARFARE, SOMETIMES COMRADES WEAKEN, LEAVE, GIVE UP THE WORK.

THE URBAN GUERRILLA IS NOT A BUSINESSMAN IN A COMMERCIAL FIRM NOR IS HE A CHARACTER IN A PLAY. URBAN GUERRILLA WARFARE, LIKE RURAL GUERRILLA WARFARE, IS A PLEDGE THE GUERRILLA MAKES TO HIMSELF. WHEN HE CANNOT FACE THE DIFFICULTIES, OR KNOWS THAT HE LACKS THE PATIENCE TO WAIT, THEN IT IS BETTER TO RELINQUISH HIS ROLE BEFORE HE BETRAYS HIS PLEDGE, FOR HE CLEARLY LACKS THE BASIC QUALITIES NECESSARY TO BE A GUERRILLA.

HOW THE URBAN GUERRILLA LIVES AND SUBSISTS

THE URBAN GUERRILLA MUST KNOW HOW TO LIVE AMONG THE PEOPLE AND MUST BE CAREFUL NOT TO APPEAR STRANGE AND SEPARATED FROM ORDINARY CITY LIFE.

HE SHOULD NOT WEAR CLOTHES THAT ARE DIFFERENT FROM THOSE THAT OTHER PEOPLE WEAR. ELABORATE AND HIGH FASHION CLOTHING FOR MEN OR WOMEN MAY OFTEN BE A HANDICAP IF THE URBAN GUERRILLA'S MISSION TAKES HIM INTO WORKING CLASS NEIGHBORHOODS OR SECTIONS WHERE SUCH DRESS IS UNCOMMON. THE SAME CARE HAS TO BE TAKEN IF THE URBAN GUERRILLA MOVES FROM THE SOUTH TO THE NORTH OR VICE VERSA.

THE URBAN GUERRILLA MUST LIVE BY HIS WORK OR PROFESSIONAL ACTIVITY. IF HE IS KNOWN AND SOUGHT BY THE POLICE, IF HE IS CONVICTED OR IS ON PAROLE, HE MUST GO UNDERGROUND AND SOMETIMES MUST LIVE HIDDEN. UNDER SUCH CIRCUMSTANCES, THE URBAN GUERRILLA CANNOT REVEAL HIS ACTIVITY TO ANYONE, SINCE THAT IS ALWAYS AND ONLY THE RESPONSIBILITY OF THE REVOLUTIONARY ORGANIZATION IN WHICH HE IS PARTICIPATING.

THE URBAN GUERRILLA MUST HAVE A GREAT CAPACITY FOR OBSERVATION, MUST BE WELL INFORMED ABOUT EVERYTHING, PRINCIPALLY ABOUT THE ENEMY'S MOVEMENTS, AND MUST BE VERY SEARCHING AND KNOWLEDGEABLE ABOUT THE AREA IN WHICH HE LIVES, OPERATES, OR THROUGH WHICH HE MOVES.

BUT THE FUNDAMENTAL AND DECISIVE CHARACTERISTIC OF THE URBAN GUERRILLA IS THAT HE IS A MAN WHO FIGHT WITH ARMS; GIVEN THIS CONDITION, THERE IS VERY LITTLE LIKELIHOOD THAT HE WILL BE ABLE TO FOLLOW HIS NORMAL PROFESSION FOR LONG WITHOUT BEING IDENTIFIED. THE ROLE OF EXPROPRIATION THUS LOOMS AS CLEAR AS HIGH NOON. IT IS IMPOSSIBLE FOR THE URBAN GUERRILLA TO EXIST AND SURVIVE WITHOUT FIGHTING TO EXPROPRIATE.

THUS WITHIN THE FRAMEWORK OF THE CLASS STRUGGLE, AS IT INEVITABLY AND NECESSARILY SHARPENS, THE ARMED STRUGGLE OF THE URBAN GUERRILLA POINTS TOWARD TWO ESSENTIAL OBJECTIVES:

A) THE PHYSICAL LIQUIDATION OF THE CHIEFS AND ASSISTANTS OF THE ARMED FORCES AND OF THE POLICE;

B) THE EXPROPRIATION OF GOVERNMENT RESOURCES AND THOSE BELONGING TO THE BIG CAPITALISTS, LATIFUNDISTS, AND IMPERIALISTS, WITH SMALL EXPROPRIATIONS USED FOR THE MAINTENANCE OF INDIVIDUAL URBAN GUERRILLAS AND LARGE ONES FOR THE SUSTENANCE OF THE REVOLUTION ITSELF.

IT IS CLEAR THAT THE ARMED STRUGGLE OF THE URBAN GUERRILLA ALSO HAS OTHER OBJECTIVES. BUT HERE WE ARE REFERRING TO THE TWO BASIC OBJECTIVES, ABOVE ALL EXPROPRIATION. IT IS NECESSARY FOR EVERY URBAN GUERRILLA TO KEEP IN MIND ALWAYS THAT HE CAN ONLY MAINTAIN HIS EXISTENCE IF HE IS DISPOSED TO KILL THE POLICE AND THOSE DEDICATED TO REPRESSION, AND IF HE IS DETERMINED - TRULY DETERMINED - TO EXPROPRIATE THE WEALTH OF THE BIG CAPITALISTS, THE LATIFUNDISTS, AND THE IMPERIALISTS.

ONE OF THE FUNDAMENTAL CHARACTERISTICS OF THE BRAZILIAN REVOLUTION IS THAT FROM THE BEGINNING IT DEVELOPED AROUND THE EXPROPRIATION OF THE WEALTH OF THE MAJOR BOURGEOIS, IMPERIALIST, AND LATIFUNDIST INTERESTS, WITHOUT EXCLUDING THE RICHEST AND MOST POWERFUL COMMERCIAL ELEMENTS ENGAGED

IN THE IMPORT-EXPORT BUSINESS.

AND BY EXPROPRIATING THE WEALTH OF THE PRINCIPAL ENEMIES OF THE PEOPLE, THE BRAZILIAN REVOLUTION WAS ABLE TO HIT THEM AT THEIR VITAL CENTER, WITH PREFERENTIAL AND SYSTEMATIC ATTACKS ON THE BANKING NETWORK - THAT IS TO SAY, THE MOST TELLING BLOWS WERE LEVELED AGAINST CAPITALISM'S NERVE SYSTEM.

THE BANK ROBBERIES CARRIED OUT BY THE BRAZILIAN URBAN GUERRILLAS HURT SUCH BIG CAPITALISTS AND MOREIRA SALLES AND OTHERS, THE FOREIGN FIRMS WHICH INSURE AND REINSURE THE BANKING CAPITAL, THE IMPERIALIST COMPANIES, THE FEDERAL AND STATE GOVERNMENTS - ALL OF THEM SYSTEMATICALLY EXPROPRIATED AS OF NOW.

THE FRUIT OF THESE EXPROPRIATIONS HAS BEEN DEVOTED TO THE WORK OF LEARNING AND PERFECTING URBAN GUERRILLA TECHNIQUES, THE PURCHASE, THE PRODUCTION, AND THE TRANSPORTATION OF ARMS AND AMMUNITION FOR THE RURAL AREAS, THE SECURITY APPARRATUS OF THE REVOLUTIONARIES, THE DAILY MAINTENANCE OF THE FIGHTERS, OF THOSE WHO HAVE BEEN LIBERATED FROM PRISON BY ARMED FORCE AND THOSE WHO ARE WOUNDED OR PERSECUTED BY THE POLICE, OR TO ANY KIND OF PROBLEM CONCERNING COMRADES LIBERATED FROM JAIL, OR ASSASSINATED BY THE POLICE AND THE MILITARY DICTATORSHIP.

THE TREMENDOUS COSTS OF THE REVOLUTIONARY WAR MUST FALL ON THE BIG CAPITALISTS, ON IMPERIALISM, AND THE LATIFUNDISTS AND ON THE GOVERNMENT TOO, BOTH FEDERAL AND STATE, SINCE THEY ARE ALL EXPLOITERS AND OPPRESSORS OF THE PEOPLE.

MEN OF THE GOVERNMENT, AGENTS OF THE DICTATORSHIP AND OF NORTH AMERICAN IMPERIALISM PRINCIPALLY, MUST PAY WITH THEIR LIVES FOR THE CRIMES COMMITTED AGAINST THE BRAZILIAN PEOPLE.

IN BRAZIL, THE NUMBER OF VIOLENT ACTIONS CARRIED OUT BY URBAN

GUERRILLAS, INCLUDING DEATHS, EXPLOSIONS, SEIZURES OF ARMS, AMMUNITION, AND EXPLOSIVES, ASSAULTS ON BANKS AND PRISONS, ETC., IS SIGNIFICANT ENOUGH TO LEAVE NO ROOM FOR DOUBT AS TO THE ACTUAL AIMS OF THE REVOLUTIONARIES. THE EXECUTION OF THE CIA SPY CHARLES CHANDLER, A MEMBER OF THE US ARMY WHO CAME FROM THE WAR IN VIET-NAM TO INFILTRATE THE BRAZILIAN STUDENT MOVEMENT, THE MILITARY HENCHMEN KILLED IN BLOODY ENCOUNTERS WITH URBAN GUERRILLAS, ALL ARE WITNESS TO THE FACT THAT WE ARE IN FULL REVOLUTIONARY WAR AND THAT THE WAR CAN BE WAGED ONLY BY VIOLENT MEANS.

THIS IS THE REASON WHY THE URBAN GUERRILLA USES ARMED STRUGGLE AND WHY HE CONTINUES TO CONCENTRATE HIS ACTIVITY ON THE PHYSICAL EXTERMINATION OF THE AGENTS OF REPRESSION, AND TO DEDICATE TWENTY-FOUR HOURS A DAY TO EXPROPRIATION FROM THE PEOPLE'S EXPLOITERS.

TECHNICAL PREPARATION OF THE URBAN GUERRILLA

NO ONE CAN BECOME AN URBAN GUERRILLA WITHOUT PAYING SPECIAL ATTENTION TO TECHNICAL PREPARATION.

THE TECHNICAL PREPARATION OF THE URBAN GUERRILLA RUNS FROM THE CONCERN FOR HIS PHYSICAL PREPAREDNESS, TO KNOWLEDGE OF AND APPRENTICESHIP IN PROFESSIONS AND SKILLS OF ALL KINDS, PARTICULARLY MANUAL SKILLS.

THE URBAN GUERRILLA CAN HAVE STRONG PHYSICAL RESISTANCE ONLY IF HE TRAINS SYSTEMATICALLY. HE CANNOT BE A GOOD FIGHTER IF HE HAS NOT LEARNED THE ART OF FIGHTING. FOR THAT REASON THE URBAN GUERRILLA MUST LEARN AND PRACTICE VARIOUS KINDS OF FIGHTING, OF ATTACK, AND PERSONAL DEFENSE.

OTHER USEFUL FORMS OF PHYSICAL PREPARATION ARE HIKING, CAMPING, AND PRACTICE IN SURVIVAL IN THE WOODS, MOUNTAIN CLIMBING, ROWING, SWIMMING, SKIN DIVING, TRAINING AS A FROGMAN, FISHING, HARPOONING, AND THE HUNTING OF BIRDS, SMALL AND BIG GAME.

IT IS VERY IMPORTANT TO LEARN HOW TO DRIVE, PILOT A PLANE, HANDLE A MOTOR BOAT AND A SAIL BOAT, UNDERSTAND MECHANICS, RADIO, TELEPHONE, ELECTRICITY, AND HAVE SOME KNOWLEDGE OF ELECTRONIC TECHNIQUES.

IT IS ALSO IMPORTANT TO HAVE A KNOWLEDGE OF TOPOGRAPHICAL INFORMATION, TO BE ABLE TO LOCATE ONE'S POSITION BY INSTRIMENTS OR OTHER AVAILABLE RESOURCES, TO CALCULATE DISTANCES, MAKE MAPS AND PLANS, DRAW TO SCALE, MAKE TIMINGS, WORK WITH AN ANGLE PROTRACTOR, A COMPASS, ETC.

A KNOWLEDGE OF CHEMISTRY AND OF COLOR COMBINATION, OF STAMP-MAKING, THE DOMINATION OF THE TECHNIQUE OF CALLIGRAPHY AND THE COPYING OF LETTERS AND OTHER SKILLS ARE PART OF THE TECHNICAL PREPARATION OF THE URBAN GUERRILLA, WHO IS OBLIGED TO FALSIFY DOCUMENTS IN ORDER TO LIVE WITHIN A SOCIETY THAT HE SEEKS TO DESTROY.

IN THE AREA OF AUXILIARY MEDICINE HE HAS THE SPECIAL ROLE OF BEING A DOCTOR OR UNDERSTANDING MEDICINE, NURSING, PHARMACOLOGY, DRUGS, ELEMENTAL SURGERY, AND EMERGENCY FIRST AID.

THE BASIC QUESTION IN THE TECHNICAL PREPARATION OF THE URBAN GUERRILLA IS NEVERTHELESS TO KNOW HOW TO HANDLE ARMS SUCH AS THE MACHINE GUN, REVOLVER, AUTOMATIC, FAL, VARIOUS TYPES OF SHOTGUNS, CARBINES, MORTARS, BAZOOKAS, ETC.

A KNOWLEDGE OF VARIOUS TYPES OF AMMUNITION AND EXPLOSIVES IS ANOTHER ASPECT TO CONSIDER. AMONG THE EXPLOSIVES, DYNAMITE MUST BE WELL UNDERSTOOD. THE USE OF INCENDIARY BOMBS, OF SMOKE BOMBS, AND OTHER TYPES ARE INDISPENSABLE PRIOR KNOWLEDGE.

TO KNOW HOW TO MAKE AND REPAIR ARMS, PREPARE MOLOTOV COCKTAILS, GRENADES, MINES, HOMEMADE DESTRUCTIVE DEVICES, HOW TO BLOW UP BRIDGES, TEAR UP AND PUT OUT OF SERVICE RAILS AND SLEEPERS, THESE ARE REQUISITES IN THE TECHNICAL PREPARATION OF THE URBAN GUERRILLA THAT CAN NEVER BY CONSIDERED UNIMPORTANT.

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The highest level of preparation for the urban guerrilla is the center for technical training. But only the guerrilla who has already passed the preliminary examination can go on to this school - that is to say, one who has passed the proof of fire in revolutionary action, in actual combat against the enemy.

The Urban Guerrilla's Arms

The urban guerrilla's arms are light arms, easily exchanged, usually captured from the enemy, purchased, or made on the spot. Light arms have the advantage of fast handling and easy transport. In general, light arms are characterized as short barrelled. This includes many automatic arms.

Automatic and semiautomatic arms considerably increase the fighting power of the urban guerrilla. The disadvantage of this type of arm for us is the difficulty in controlling it, resulting in wasted rounds or in a prodigious use of ammunition, compensated for only by optimal aim and firing precision. Men who are poorly trained convert automatic weapons into an ammunition drain.

Experience has shown that the basic arm of the urban guerrilla is the light machine gun. This arm, in addition to being efficient and easy to shoot in an urban area has the advantage of being greatly respected by the enemy. The guerrilla must know thoroughly how to handle the machine gun now so popular and indispensable to the Brazilian urban guerrilla.

The ideal machine gun for the urban guerrilla is the Ina 45 calibre. Other types of machine guns of different calibres can be used - understanding, of course, the problem of ammunition. Thus it is preferable that the industrial potential of the urban guerrilla permit the production of a single machine gun so that the ammunition used can be standardized.

EACH FIRING GROUP OF URBAN GUERRILLAS MUST HAVE A MACHINE GUN MANAGED BY A GOOD MARKSMAN. THE OTHER COMPONENTS OF THE GROUP MUST BE ARMED WITH .38 REVOLVERS, OUR STANDARD ARM. THE .32 IS ALSO USEFUL FOR THOSE WHO WANT TO PARTICIPATE. BUT THE .38 IS PREFERABLE SINCE ITS IMPACT USUALLY PUTS THE ENEMY OUT OF ACTION.

HAND GRENADES AND CONVENTIONAL SMOKE BOMBS CAN BE CONSIDERED LIGHT ARMS, WITH DEFENSIVE POWER FOR COVER AND WITHDRAWAL.

LONG BARREL ARMS ARE MORE DIFFICULT FOR THE URBAN GUERRILLA TO TRANSPORT AND ATTRACT MUCH ATTENDION BECAUSE OF THEIR SIZE. AMONG THE LONG BARREL ARMS ARE THE FAL, THE MAUSER GUNS OR RIFLES, HUNTING GUNS SUCH AS THE WINCHESTER, AND OTHERS.

SHOTGUNS CAN BE USEFUL IF USED AT CLOSE RANGE AND POINT BLANK. THEY ARE USEFUL EVEN FOR A POOR SHOT, ESPECIALLY AT NIGHT WHEN PRECISION ISN'T MUCH HELP. A PRESSURE AIRGUN CAN BE USEFUL FOR TRAINING IN MARKSMANSHIP. BAZOOKAS AND MORTARS CAN ALSO BE USED IN ACTION BUT THE CONDITIONS FOR USING THEM HAVE TO BE PREPARED AND THE PEOPLE WHO USE THEM MUST BE TRAINED.

THE URBAN GUERRILLA SHOULD NOT TRY TO BASE HIS ACTIONS ON THE USE OF HEAVY ARMS, WHICH HAVE MAJOR DRAWBACKS IN A TYPE OF FIGHTING THAT DEMANDS LIGHTWEIGHT WEAPONS TO INSURE MOBILITY AND SPEED.

HOMEMADE WEAPONS ARE OFTEN AS EFFICIENT AS THE BEST ARMS PRODUCED IN CONVENTIONAL FACTORIES AND EVEN A CUT-OFF SHOTGUN IS A GOOD ARM FOR THE URBAN GUERRILLA.

THE URBAN GUERRILLA'S ROLE AS GUNSMITH HAS A FUNDAMENTAL IMPORTANCE. AS GUNSMITH HE TAKES CARE OF THE ARMS, KNOWS HOW TO REPAIR THEM, AND IN MANY CASES CAN SET UP A SMALL SHOP FOR IMPROVISING AND PRODUCING EFFICIENT SMALL ARMS.

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WORK IN METALLURGY AND ON THE MECHANICAL LATHE ARE BASIC SKILLS THE URBAN GUERRILLA SHOULD INCORPORATE INTO HIS INDUSTRIAL PLANNING, WHICH IS THE CONSTRUCTION OF HOMEMADE WEAPONS.

THIS CONSTRUCTION AND COURSES IN EXPLOSIVES AND SABOTAGE MUST BE ORGANIZED. THE PRIMARY MATERIALS FOR PRACTICE IN THESE COURSES MUST BE OBTAINED AHEAD OF TIME TO PREVENT AN INCOMPLETE APPRENTICESHIP - THAT IS TO SAY, SO AS TO LEAVE NO ROOM FOR EXPERIMENTATION.

MOLOTOV COCKTAILS, GASOLINE, HOMEMADE CONTRIVANCES SUCH AS CATAPULTS AND MORTARS FOR FIRING EXPLOSIVES. GRENADES MADE OF TUBES AND CANS, SMOKE BOMBS, MINES, CONVENTIONAL EXPLOSIVES SUCH AS DYNAMITE AND POTASSIUM CHLORIDE, PLASTIC EXPLOSIVES, GELATINE CAPSULES, AMMUNITION OF EVERY KIND ARE INDISPENSABLE TO THE SUCCESS OF THE URBAN GUERRILLA'S MISSION.

THE METHOD OF OBTAINING THE NECESSARY MATERIALS AND MUNITIONS WILL BE TO BUY THEM OR TO TAKE THEM BY FORCE IN EXPROPRIATION ACTIONS ESPECIALLY PLANNED AND CARRIED OUT.

THE URBAN GUERRILLA WILL BE CAREFUL NOT TO KEEP EXPLOSIVES AND MATERIALS THAT CAN CAUSE ACCIDENTS AROUND FOR VERY LONG, BUT WILL TRY ALWAYS TO USE THEM IMMEDIATELY ON THEIR DESTINED TARGETS.

THE URBAN GUERRILLA'S ARMS AND HIS ABILITY TO MAINTAIN THEM CONSTITUTE HIS FIRE POWER. BY TAKING ADVANTAGE OF MODERN ARMS AND INTRODUCING INNOVATIONS IN HIS FIRE POWER AND IN THE USE OF CERTAIN ARMS, THE URBAN GUERRILLA CAN CHANGE MANY OF THE TACTICS OF CITY WARFARE. AN EXAMPLE OF THIS WAS THE INNOVATION MADE BY THE URBAN GUERRILLA IN BRAZIL WHEN THEY INTRODUCED THE MACHINE GUN IN THEIR ATTACKS ON BANKS.

WHEN THE MASSIVE USE OF UNIFORM MACHINE GUNS BECOMES POSSIBLE, THERE WILL BE NEW CHANGES IN URBAN GUERRILLA WARFARE TACTICS. THE FIRING GROUP

THAT UTILIZED UNIFORM WEAPONS AND CORRESPONDING AMMUNITION, WITH REASONABLE SUPPORT FOR THEIR MAINTENANCE, WILL REACH A CONSIDERABLE LEVEL OF EFFICIENCY. THE URBAN GUERRILLA INCREASES HIS EFFICIENCY AS HE IMPROVES HIS FIRING POTENTIAL.

THE SHOT: THE URBAN GUERRILLA'S REASON FOR EXISTENCE

THE URBAN GUERRILLA'S REASON FOR EXISTENCE, THE BASIC CONDITION IN WHICH HE ACTS AND SURVIVES, IS TO SHOOT. THE URBAN GUERRILLA MUST KNOW HOW TO SHOOT WELL BECAUSE IT IS REQUIRED BY HIS TYPE OF COMBAT.

IN CONVENTIONAL WARFARE, COMBAT IS GENERALLY AT A DISTANCE WITH LONG RANGE ARMS. IN UNCONVENTIONAL WARFARE, IN WHICH URBAN GUERRILLA WARFARE IS INCLUDED, THE COMBAT IS AT CLOSE RANGE, OFTEN VERY CLOSE. TO PREVENT HIS OWN EXTINCTION, THE URBAN GUERRILLA HAS TO SHOOT FIRST AND HE CANNOT ERR IN HIS SHOT. HE CANNOT WASTE HIS AMMUNITION BECAUSE HE DOESN'T HAVE LARGE AMOUNTS, SO HE MUST SAVE IT. NOR CAN HE REPLACE HIS AMMUNITION QUICKLY, SINCE HE IS PART OF A SMALL GROUP IN WHICH EACH GUERRILLA HAS TO TAKE CARE OF HIMSELF. THE URBAN GUERRILLA CAN LOSE NO TIME AND MUST BE ABLE TO SHOOT AT ONCE.

ONE FUNDAMENTAL FACT, WHICH WE WANT TO EMPHASIZE FULLY AND WHOSE PARTICULAR IMPORTANCE CANNOT BE OVERESTIMATED, IS THAT THE URBAN GUERRILLA MUST NOT FIRE CONTINUOUSLY, USING UP HIS AMMUNITION. IT MAY BE THAT THE ENEMY IS NOT RESPONDING TO THE FIRE PRECISELY BECAUSE HE IS WAITING UNTIL THE GUERRILLA'S AMMUNITION IS USED UP. AT SUCH A MOMENT, WITHOUT HAVING TIME TO REPLACE HIS AMMUNITION, THE URBAN GUERRILA FACES A RAIN OF ENEMY FIRE AND CAN BE TAKEN PRISONER OR BE KILLED.

IN SPITE OF THE VALUE OF THE SURPRISE FACTOR WHICH MANY TIMES MAKES IT UNNECESSARY FOR THE URBAN GUERRILLA TO USE HIS ARMS, HE CANNOT BE ALLOWED THE LUXURY OF ENTERING COMBAT WITHOUT KNOWING HOW TO SHOOT. AND

FACE TO FACE WITH THE ENEMY, HE MUST ALWAYS BE MOVING FROM ONE POSITION TO ANOTHER, BECAUSE TO STAY IN ONE POSITION MAKES HIM A FIXED TARGET AND, AS SUCH, VERY VULNERABLE.

THE URBAN GUERRILLA'S LIFE DEPENDS ON SHOOTING, ON HIS ABILITY TO HANDLE HIS ARMS WELL AND TO AVOID BEING HIT. WHEN WE SPEAK OF SHOOTING, WE SPEAK OF MARKSMANSHIP AS WELL. SHOOTING MUST BE LEARNED UNTIL IT BECOMES A REFLEX ACTION ON THE PART OF THE URBAN GUERRILLA.

TO LEARN HOW TO SHOOT AND TO HAVE GOOD AIM, THE URBAN GUERRILLA MUST TRAIN HIMSELF SYSTEMATICALLY, UTILIZING EVERY APPRENTICESHIP METHOD, SHOOTING AT TARGETS, EVEN IN AMUSEMENT PARKS AND AT HOME.

SHOOTING AND MARKSMANSHIP ARE THE URBAN GUERRILLA'S WATER AND AIR. HIS PERFECTION OF THE ART OF SHOOTING MAKES HIM A SPECIAL TYPE OF URBAN GUERRILLA - THAT IS, A SNIPER, A CATEGORY OF SOLITARY COMBATANT INDISPENSABLE IN ISOLATED ACTIONS. THE SNIPER KNOWS HOW TO SHOOT, AT CLOSE RANGE AND AT LONG RANGE, AND HIS ARMS ARE APPROPRIATE FOR EITHER TYPE OF SHOOTING.

THE FIRING GROUP

IN ORDER TO FUNCTION, THE URBAN GUERRILLAS MUST BE ORGANIZED IN SMALL GROUPS. A GROUP OF NO MORE THAN FOUR OR FIVE IS CALLED THE FIRING GROUP.

A MINIMUM OF TWO FIRING GROUPS, SEPARATED AND SEALED OFF FROM OTHER FIRING GROUPS, DIRECTED AND COORDINATED BY ONE OR TWO PERSONS, THIS IS WHAT MAKES A FIRING TEAM.

WITHIN THE FIRING GROUP THERE MUST BE COMPLETE CONFIDENCE AMONG THE COMRADES. THE BEST SHOT AND THE ONE WHO BEST KNOWS HOW TO MANAGE THE MACHINE GUN IS THE PERSON IN CHARGE OF OPERATIONS.

THE FIRING GROUP PLANS AND EXECUTES URBAN GUERRILLA ACTIONS, OBTAINS AND GUARDS ARMS, STUDIES AND CORRECTS ITS OWN TACTICS.

WHEN THERE ARE TASKS PLANNED BY THE STRATEGIC COMMAND, THESE TASKS TAKE PREFERENCE. BUT THERE IS NO SUCH THING AS A FIRING GROUP WITHOUT ITS OWN INITIATIVE. FOR THIS REASON IT IS ESSENTIAL TO AVOID ANY RIGIDITY IN THE ORGANIZATION IN ORDER TO PERMIT THE GREATEST POSSIBLE INITIATIVE ON THE PART OF THE FIRING GROUP. THE OLD-TYPE HIERARCHY, THE STYLE OF THE TRADITIONAL LEFT DOESN'T EXIST IN OUR ORGANIZATION.

THIS MEANS THAT, EXCEPT FOR THE PRIORITY OF OBJECTIVES SET BY THE STRATEGIC COMMAND, ANY FIRING GROUP CAN DECIDE TO ASSAULT A BANK, TO KIDNAP OR TO EXECUTE AN AGENT OF THE DICTATORSHIP, A FIGURE IDENTIFIED WITH THE REACTION, OR A NORTH AMERICAN SPY, AND CAN CARRY OUT ANY KIND OF PROPAGANDA OR WAR OF NERVES AGAINST THE ENEMY WITHOUT THE NEED TO CONSULT THE GENERAL COMMAND.

NO FIRING GROUP CAN REMAIN INACTIVE WAITING FOR ORDERS FROM ABOVE. ITS OBLIGATION IS TO ACT. ANY SINGLE URBAN GUERRILLA WHO WANTS TO ESTABLISH A FIRING GROUP AND BEGIN ACTION CAN DO SO AND THUS BECOME A PART OF THE ORGANIZATION.

THIS METHOD OF ACTION ELIMINATES THE NEED FOR KNOWING WHO IS CARRYING OUT WHICH ACTIONS, SINCE THERE IS FREE INITIATIVE AND THE ONLY IMPORTANT POINT IS TO INCREASE SUBSTANTIALLY THE VOLUME OF URBAN GUERRILLA ACTIVITY IN ORDER TO WEAR OUT THE GOVERNMENT AND FORCE IT ONTO THE DEFENSIVE.

THE FIRING GROUP IS THE INSTRUMENT OF ORGANIZED ACTION. WITHIN IT, GUERRILLA OPERATIONS AND TACTICS ARE PLANNED, LAUNCHED, AND CARRIED THROUGH TO SUCCESS.

THE GENERAL COMMAND COUNTS ON THE FIRING GROUPS TO CARRY OUT OBJECTIVES OF A STRATEGIC NATURE, AND TO DO SO IN ANY PART OF THE COUNTRY. FOR ITS PART, IT HELPS THE FIRING GROUPS WITH THEIR DIFFICULTIES

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and their needs.

The organization is an indestructible network of firing groups, and of coordinations among them, that functions simply and practically with a general command that also participates in the attacks; an organization which exists for no purpose other than pure and simple revolutionary action.

The Logistics of the Urban Guerrilla

Conventional logistics can be expressed by the formula CCEM:

C - food (comida)
C - fuel (combustivel)
E - equipment
M - ammunition (municoes)

Conventional logistics refer to the maintenance problems for an army or a regular armed force transported in vehicles with fixed bases and supply lines.

Urban guerrillas, on the contrary, are not an army but small armed groups, intentionally fragmented. They have no vehicles nor fixed bases. Their supply lines are precarious and insufficient, and have no established base except in the rudimentary sense of an arms factory within a house.

While the goal of conventional logistics is to supply the war needs of the gorillas to be used to repress urban and rural rebellion, urban guerrilla logistics aim at sustaining operations and tactics which have nothing in common with a conventional war and are directed against the military dictatorship and North American domination of the country.

For the urban guerrilla, who starts from nothing and has no support at the beginning, logistics are expressed by the formula MDAME, which is:

M - MECHANIZATION
D - MONEY (DINHEIRO)
A - ARMS
M - AMMUNITION (MUNICOES)
E - EXPLOSIVES

REVOLUTIONARY LOGISTICS TAKES MECHANIZATION AS ONE OF ITS BASES. NEVERTHELESS, MECHANIZATION IS INSEPARABLE FROM THE DRIVER. THE URBAN GUERRILLA DRIVER IS AS IMPORTANT AS THE URBAN GUERRILLA MACHINE GUNNER. WITHOUT EITHER, THE MACHINES DO NOT WORK, AND AS SUCH THE AUTOMOBILE LIKE THE MACHINE GUN BECOMES A DEAD THING. AN EXPERIENCED DRIVER IS NOT MADE IN ONE DAY AND THE APPRENTICESHIP MUST BEGIN EARLY. EVERY GOOD URBAN GUERRILLA MUST BE A GOOD DRIVER. AS TO THE VEHICLE, THE URBAN GUERRILLA MUST EXPROPRIATE WHAT HE NEEDS.

WHEN HE ALREADY HAS RESOURCES, THE URBAN GUERRILLA CAN COMBINE THE EXPROPRIATION OF VEHICLES WITH OTHER METHODS OF ACQUISITION.

MONEY, ARMS, AMMUNITION AND EXPLOSIVES, AND AUTOMOBILES AS WELL, MUST BE EXPROPRIATED. AND THE URBAN GUERRILLA MUST ROB BANKS AND ARMORIES AND SEIZE EXPLOSIVES AND AMMUNITION WHEREVER HE FINDS THEM.

NONE OF THESE OPERATIONS IS UNDERTAKEN FOR JUST ONE PURPOSE. EVEN WHEN THE ASSAULT IS FOR MONEY, THE ARMS THAT THE GUARDS BEAR MUST ALSO BE TAKEN.

EXPROPRIATION IS THE FIRST STEP IN THE ORGANIZATION OF OUR LOGISTICS, WHICH ITSELF ASSUMES AN ARMED AND PERMANENTLY MOBILE CHARACTER.

THE SECOND STEP IS TO REINFORCE AND EXTEND LOGISTICS, RESORTING TO AMBUSHES AND TRAPS IN WHICH THE ENEMY WILL BE SURPRISED AND HIS ARMS, AMMUNITION, VEHICLES, AND OTHER RESOURCES CAN BE CAPTURED.

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Once he has the arms, ammunition, and explosives, one of the most serious logistics problems the urban guerrilla faces at any time and in any situation, is a hiding place in which to leave the material, and appropriate means for transporting it and assembling it where it is needed. This has to be accomplished even when the enemy is on the lookout and has the roads blocked.

The knowledge that the urban guerrilla has of the terrain, and the devices he uses or is capable of using, such as guides especially prepared and recruited for this mission, are the basic elements in the solution of the eternal logistics problem the revolutionary faces.

The Technique of the Urban Guerrilla

In its most general sense, technique is the combination of methods man uses to carry out any activity. The activity of the urban guerrilla consists in waging guerrilla warfare and psychological warfare.

The urban guerrilla technique has five basic components:

a) one part is related to the specific characteristics of the situation;

b) one part is related to the requisites that match these characteristics, requisites represented by a series of initial advantages without which the urban guerrilla cannot achieve his objectives;

c) one part concerns certain and definite objectives in the actions initiated by the urban guerrilla;

d) one part is related to the types and characteristic modes of action for the urban guerrilla;

e) one part is concerned with the urban guerrilla's method of carrying out his specific actions.

Characteristics of the Urban Guerrilla's Technique

The technique of the urban guerrilla has the following characteristics:

a) it is an aggressive technique, or in other words, it has an offensive character. As is well known, defensive action means death for us. Since we are inferior to the enemy in fire power and have neither his resources nor his power force, we cannot defend ourselves against an offensive or a concentrated attack by the gorillas. And that is the reason why our urban technique can never be permanent, can never defend a fixed base nor remain in any one spot waiting to repel the circle of reaction;

b) it is a technique of attack and retreat by which we preserve our forces;

c) it is a technique that aims at the development of urban guerrilla warfare, whose function will be to wear out, demoralize, and distract the enemy forces, permitting the emergence and survival of rural guerrilla warfare which is destined to play the decisive role in the revolutionary war.

The Initial Advantages of the Urban Guerrilla

The dynamics of urban guerrilla warfare lie in the urban guerrilla's violent clash with the military and police forces of the dictatorship. In this clash, the police have the superiority. The urban guerrilla has inferior forces. The paradox is that the urban guerrilla, although weaker, is nevertheless the attacker.

The military and police forces, for their part, respond to the attack by mobilizing and concentrating infinitely superior forces in the persecution and destruction of the urban guerrilla. He can only avoid defeat if he counts on the initial advantages he has and knows how to

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EXPLOIT THEM TO THE END TO COMPENSATE FOR HIS WEAKNESSES AND LACK OF MATERIAL.

THE INITIAL ADVANTAGES ARE:

1) HE MUST TAKE THE ENEMY BY SURPRISE;

2) HE MUST KNOW THE TERRAIN OF THE ENCOUNTER BETTER THAN THE ENEMY;

3) HE MUST HAVE GREATER MOBILITY AND SPEED THAN THE POLICE AND THE OTHER REPRESSIVE FORCES;

4) HIS INFORMATION SERVICE MUST BE BETTER THAN THE ENEMY'S;

5) HE MUST BE IN COMMAND OF THE SITUATION AND DEMONSTRATE A DECISIVENESS SO GREAT THAT EVERYONE ON OUR SIDE IS INSPIRED AND NEVER THINKS OF HESITATING, WHILE ON THE OTHER SIDE THE ENEMY IS STUNNED AND INCAPABLE OF RESPONDING.

SURPRISE

TO COMPENSATE FOR HIS GENERAL WEAKNESS AND SHORTAGE OF ARMS COMPARED TO THE ENEMY, THE URBAN GUERRILLA USES SURPRISE. THE ENEMY HAS NO WAY TO FIGHT SURPRISE AND BECOMES CONFUSED OR IS DESTROYED.

WHEN URBAN GUERRILLA WARFARE BROKE OUT IN BRAZIL, EXPERIENCE PROVED THAT SURPRISE WAS ESSENTIAL TO THE SUCCESS OF ANY URBAN GUERRILLA OPERATION.

THE TECHNIQUE OF SURPRISE IS BASED ON FOUR ESSENTIAL REQUISITES:

A) WE KNOW THE SITUATION OF THE ENEMY WE ARE GOING TO ATTACK, USUALLY BY MEANS OF PRECISE INFORMATION AND METICULOUS OBSERVATION, WHILE THE ENEMY DOES NOT KNOW HE IS GOING TO BE ATTACKED AND KNOWS NOTHING ABOUT THE ATTACKER;

B) WE KNOW THE FORCE OF THE ENEMY THAT IS GOING TO BE ATTACKED AND THE ENEMY KNOWS NOTHING ABOUT OUR FORCE;

C) ATTACKING BY SURPRISE, WE SAVE AND CONSERVE OUR FORCES, WHILE THE ENEMY IS UNABLE TO DO THE SAME AND IS LEFT AT THE MERCY OF EVENTS;

D) WE DETEPMINE THE HOUR AND THE PLACE OF THE ATTACK, FIX ITS DURATION, AND ESTABLISH ITS OBJECTIVE. THE ENEMY REMAINS IGNORANT OF ALL THIS.

KNOWLEDGE OF THE TERRAIN

THE URBAN GUERRILLA'S BEST ALLY IS THE TERRAIN AND BECAUSE THIS IS SO HE MUST KNOW IT LIKE THE PALM OF HIS HAND.

TO HAVE THE TERRAIN AS AN ALLY MEANS TO KNOW HOW TO USE WITH INTELLIGENCE ITS UNEVENNESS, ITH ITS HIGH AND ITS LOW POINTS, ITS TURNS, ITS IRREGULARITIES, ITS REGULAR AND ITS SECRET PASSAGES, ABANDONED AREAS, ITS THICKETS, ETC., TAKING MAXIMUM ADVANTAGE OF ALL THIS FOR THE SUCCESS OF ARMED ACTIONS, ESCAPES, RETREATS, COVER, AND HIDING PLACES.

ITS IMPASSES AND NARROW SPOTS, ITS GORGES, ITS STREETS UNDER PEPAIR, POLICE CONTROL POINTS, MILITARY ZONES AND CLOSED OFF STPEETS, THE ENTRANCES AND EXITS OF TUNNELS AND THOSE THAT THE ENEMY CAN CLOSE OFF, VIADUCTS TO BE CROSSED, CORNERS CONTROLLED BY THE POLICE OR WATCHED, ITS LIGHTS AND SIGNALS, ALL THIS MUST BE THOROUGHLY KNOWN AND STUDIED IN ORDEP TO AVOID FATAL ERRORS.

OUR PROBLEM IS TO GET THROUGH AND TO KNOW WHERE AND HOW TO HIDE, LEAVING THE ENEMY BEWILDERED IN AREAS HE DOESN'T KNOW.

FAMILIAR WITH THE AVENUES, STREETS, ALLEYS, INS AND OUTS, AND CORNERS OF THE URBAN CENTERS, ITS PATHS AND SHORTCUTS, ITS EMPTY LOTS, ITS UNDERGROUND PASSAGES, ITS PIPES AND SEWER SYSTEM, THE URBAN GUERRILLA SAFELY CROSSES THROUGH THE IRREGULAR AND DIFFICULT TERRAIN UNFAMILIAR TO THE POLICE, WHERE THEY CAN BE SURPRISED IN A FATAL AMBUSH OR TRAPPED AT ANY MOMENT.

BECAUSE HE KNOWS THE TERRAIN, THE GUERRILLA CAN GO THROUGH IT ON FOOT, ON BICYCLE, IN AUTOMOBILE, JEEP, OR TRUCK AND NEVER BE TRAPPED. ACTING IN

SMALL GROUPS WITH ONLY A FEW PEOPLE, THE GUERRILLAS CAN REUNITE AT AN HOUR AND PLACE DETERMINED BEFOREHAND, FOLLOWING UP THE ATTACK WITH NEW GUERRILLA OPERATIONS, OR EVADING THE POLICE CIRCLE AND DISORIENTING THE ENEMY WITH THEIR UNPRECEDENTED AUDACITY.

IT IS AN INSOLUBLE PROBLEM FOR THE POLICE IN THE LABYRINTHIAN TERRAIN OF THE URBAN GUERRILLA, TO GET SOMEONE THEY CAN'T SEE, TO REPRESS SOMEONE THEY CAN'T CATCH, TO CLOSE IN ON SOMEONE THEY CAN'T FIND.

OUR EXPERIENCE IS THAT THE IDEAL URBAN GUERRILLA IS ONE WHO OPERATES IN HIS OWN CITY AND KNOWS THOROUGHLY ITS STREETS, ITS NEIGHBORHOODS, ITS TRANSIT PROBLEMS AND OTHER PECULIARITIES.

THE GUERRILLA OUTSIDER, WHO COMES TO A CITY WHOSE CORNERS ARE UNFAMILIAR TO HIM, IS A WEAK SPOT AND IF HE IS ASSIGNED CERTAIN OPERATIONS CAN ENDANGER THEM. TO AVOID GRAVE ERRORS, IT IS NECESSARY FOR HIM TO GET TO KNOW WELL THE LAYOUT OF THE STREETS.

MOBILITY AND SPEED

TO INSURE A MOBILITY AND SPEED THAT THE POLICE CANNOT MATCH, THE URBAN GUERRILLA NEEDS THE FOLLOWING PREREQUISITES:

A) MECHANIZATION;

B) KNOWLEDGE OF THE TERRAIN;

C) A RUPTURE OR SUSPENSION OF ENEMY COMMUNICATIONS AND TRANSPORT;

D) LIGHT ARMS.

BY CAREFULLY CARRYING THROUGH OPERATIONS THAT LAST ONLY A FEW MOMENTS, AND LEAVING THE SITE IN MECHANIZED VEHICLES, THE URBAN GUERRILLA BEATS A RAPID RETREAT, ESCAPING PERSECUTION.

THE URBAN GUERRILLA MUST KNOW THE WAY IN DETAIL AND, IN THIS SENSE, MUST GO THROUGH THE SCHEDULE AHEAD OF TIME AS A TRAINING TO AVOID ENTERING

ALLEYWAYS THAT HAVE NO EXIT, OR RUNNING INTO TRAFFIC JAMS, OR BECOMING PARALYZED BY THE TRANSIT DEPARTMENT'S TRAFFIC SIGNALS.

THE POLICE PURSUE THE URBAN GUERRILLA BLINDLY WITHOUT KNOWING WHICH ROAD HE IS USING FOR HIS ESCAPE.

WHILE THE URBAN GUERRILLA QUICKLY FLEES BECAUSE HE KNOWS THE TERRAIN, THE POLICE LOSE THE TRAIN L AND GIVE UP THE CHASE.

THE URBAN GUERRILLA MUST LAUNCH HIS OPERATIONS FAR FROM THE LOGISTICS BASE OF THE POLICE. AN INITIAL ADVANTAGE OF THIS METHOD OF OPERATION IS THAT IT PLACES US AT A REASONABLE DISTANCE FROM THE POSSIBILITY OF PERSECUTION, WHICH FACILITATES THE EVASION.

IN ADDITION TO THIS NECESSARY PRECAUTION, THE URBAN GUERRILLA MUST BE CONCERNED WITH THE ENEMY'S COMMUNICATION SYSTEM. THE TELEPHONE IS THE PRIMARY TARGET IN PREVENTING THE ENEMY FROM ACCESS TO INFORMATION BY KNOCKING OUT HIS COMMUNICATION SYSTEM.

EVEN IF HE KNOWS ABOUT THE GUERRILLA OPERATION, THE ENEMY DEPENDS ON MODERN TRANSPORT FOR HIS LOGISTICS SUPPORT, AND HIS VEHICLES NECESSARILY LOSE TIME CARRYING HIM THROUGH THE HEAVY TRAFFIC OF THE LARGE CITIES.

IT IS CLEAR THAT THE TANGLED AND TREACHEROUS TRAFFIC IS A DISADVANTAGE FOR THE ENEMY, AS IT WOULD BE FOR US IF WE WERE NOT AHEAD OF HIM.

IF WE WANT TO HAVE A SAFE MARGIN OF SECURITY AND BE CERTAIN TO LEAVE NO TRACKS FOR THE FUTURE, WE CAN ADOPT THE FOLLOWING METHODS:

A) PURPOSELY INTERCEPT THE POLICE WITH OTHER VEHICLES OR BY APPARENTLY CASUAL INCONVENIENCES AND DAMAGES; BUT IN THIS CASE THE VEHICLES IN QUESTION SHOULD NOT BE LEGAL NOR SHOULD THEY HAVE REAL LICENSE NUMBERS;

B) OBSTRUCT THE ROAD WITH FALLEN TREES, ROCKS, DITCHES, FALSE TRAFFIC SIGNS, DEAD ENDS OR DETOURS, AND OTHER INGENIOUS METHODS;

c) PLACE HOMEMADE MINES IN THE WAY OF THE POLICE, USE GASOLINE, OR THROW MOLOTOV COCKTAILS TO SET THEIR VEHICLES ON FIRE;

D) SET OFF A BURST OF MACHINE GUN FIRE OR ARMS SUCH AS THE FAL AIMED AT THE MOTOR AND THE TIRES OF THE CARS ENGAGED IN PURSUIT.

WITH THE ARROGANCE TYPICAL OF THE POLICE AND THE MILITARY FASCIST AUTHORITIES, THE ENEMY WILL COME TO FIGHT US WITH HEAVY GUNS AND EQUIPMENT AND WITH ELABORATE MANEUVERS BY MEN ARMED TO THE TEETH. THE URBAN GUERRILLA MUST RESPOND TO THIS WITH LIGHT WEAPONS EASILY TRANSPORTED SO HE CAN ALWAYS ESCAPE WITH MAXIMUM SPEED, WITHOUT EVER ACCEPTING OPEN FIGHTING. THE URBAN GUERRILLA HAS NO MISSION OTHER THAN TO ATTACK AND RETREAT.

WE WOULD LEAVE OURSELVES OPEN TO THE MOST STUNNING DEFEATS IF WE BURDENED OURSELVES WITH HEAVY ARMS AND WITH THE TREMENDOUS WEIGHT OF THE AMMUNITION NECESSARY TO FIRE THEM AT THE SAME TIME LOSING OUR PRECIOUS GIFT OF MOBILITY.

WHEN THE ENEMY FIGHTS AGAINST US WITH CAVALRY WE ARE AT NO DISADVANTAGE AS LONG AS WE ARE MECHANIZED. THE AUTOMOBILE GOES FASTER THAN THE HORSE. FROM WITHIN THE CAR WE ALSO HAVE THE TARGET OF THE MOUNTED POLICE, KNOCKING HIM DOWN WSTH MACHINE GUN AND REVOLVER FIRE OR WITH MOLOTOV COCKTAILS AND GRENADES.

ON THE OTHER HAND, IT IS NOT SO DIFFICULT FOR AN URBAN GUERRILLA ON FOOT TO MAKE A TARGET OF A POLICEMAN ON HORSEBACK. MOREOVER, ROPES ACROSS THE STREETS, MARBLES, CORK STOPPERS ARE VERY EFFICIENT METHODS OF MAKING THEM BOTH FALL. THE GREAT DISADVANTAGE OF THE MOUNTED POLICE IS THAT HE PRESENTS THE URBAN GUERRILLA WITH TWO EXCELLENT TARGETS: THE HORSE AND ITS RIDER.

APART FROM BEING FASTER THAN THE HORSEMAN, THE HELICOPTER HAS NO

BETTER CHANCE IN PERSECUTION. IF THE HORSE IS TOO SLOW COMPARED TO THE URBAN GUERRILLA'S AUTOMOBILE, THE HELICOPTER IS TOO FAST. MOVING AT 200 KILOMETERS AN HOUR IT WILL NEVER SUCCEED IN HITTING FROM ABOVE A TARGET LOST AMONG THE CROWDS AND THE STREET VEHICLES, NOR CAN IT LAND IN PUBLIC STREETS IN ORDER TO CATCH SOMEONE. AT THE SAME TIME, WHENEVER IT TRIES TO FLY LOW, IT WILL BE EXCESSIVELY VULNERABLE TO THE FIRE OF THE URBAN GUERRILLA.

INFORMATION

THE POSSIBILITIES THAT THE GOVERNMENT HAS FOR DISCOVERING AND DESTROYING THE URBAN GUERRILLAS LESSEN AS THE POTENTIAL OF THE DICTATORSHIP'S ENEMIES BECOMES GREATER AND MORE CONCENTRATED AMONG THE POPULAR MASSES.

THIS CONCENTRATION OF OPPONENTS OF THE DICTATORSHIP PLAYS A VERY IMPORTANT ROLE IN PROVIDING INFORMATION AS TO MOVES ON THE PART OF THE POLICE AND MEN IN GOVERNMENT, AS WELL AS IN HIDING OUR ACTIVITIES. THE ENEMY CAN ALSO BE THROWN OFF BY FALSE INFORMATION, WHICH IS WORSE FOR HIM BECAUSE IT IS A TREMENDOUS WASTE.

BY WHATEVER MEANS, THE SOURCES OF INFORMATION AT THE DISPOSAL OF THE URBAN GUERRILLA ARE POTENTIALLY BETTER THAN THOSE OF THE POLICE. THE ENEMY IS OBSERVED BY THE PEOPLE, BUT HE DOES NOT KNOW WHO AMONG THE PEOPLE TRANSMITS INFORMATION TO THE URBAN GUERRILLA. THE MILITARY AND THE POLICE ARE HATED FOR THE INJUSTICES AND VIOLENCE THEY COMMIT AGAINST THE PEOPLE, AND THIS FACILITATES OBTAINING INVORMATION PREJUDICIAL TO THE ACTIVITIES OF GOVERNMENT AGENTS.

THE INFORMATION, WHICH IS ONLY A SMALL AREA OF POPULAR SUPPORT, REPRESENTS AN EXTRAORDINARY POTENTIAL IN THE HANDS OF THE URBAN GUERRILLA. THE CREATION OF AN INTELLIGENCE SERVICE WITH AN ORGANIZED STRUCTURE IS A

BASIC NEED FOR US. THE URBAN GUERRILLA HAS TO HAVE ESSENTIAL INFORMATION ABOUT THE PLANS AND MOVEMENTS OF THE ENEMY, WHERE THEY ARE, AND HOW THEY MOVE, THE RESOURCES OF THE BANKING NETWORK, THE MEANS OF COMMUNICATION, AND THE SECRET MOVES THE ENEMY MAKES.

THE TRUSTWORTHY INFORMATION PASSED ALONG TO THE URBAN GUERRILLA REPRESENTS A WELL-AIMED BLOW AT THE DICTATORSHIP. IT HAS NO WAY TO DEFEND ITSELF IN THE FACE OF AN IMPORTANT LEAK THAT JEOPARDIZED ITS INTERESTS AND FACILITATES OUR DESTRUCTIVE ATTACK.

THE ENEMY ALSO WANTS TO KNOW WHAT STEPS WE ARE TAKING SO HE CAN DESTROY US OR PREVENT US FROM ACTING. IN THIS SENSE THE DANGER OF BETRAYAL IS PRESENT AND THE ENEMY ENCOURAGES BETRAYAL OR INFILTRATES SPIES INTO THE ORGANIZATION. THE URBAN GUERRILLA'S TECHNIQUE AGAINST THIS ENEMY TACTIC IS TO DENOUNCE PUBLICLY THE TRAITORS, SPIES, INFORMERS, AND PROVOCATEURS.

SINCE OUR STRUGGLE TAKES PLACE AMONG THE MASSES AND DEPENDS ON THEIR SYMPATHY - WHILE THE GOVERNMENT HAS A BAD REPUTATION BECAUSE OF ITS BRUTALITY, CORRUPTION, AND INCOMPETENCE - THE INFORMERS, SPIES, TRAITORS, AND THE POLICE COME TO BE ENEMIES OF THE PEOPLE WITHOUT SUPPORTERS, DENOUNCED TO THE URBAN GUERRILLAS, AND, IN MANY CASES, PROPERLY PUNISHED.

FOR THEIR PART THE URBAN GUERRILLA MUST NOT EVADE THE DUTY - ONCE HE KNOWS WHO THE SPY OR INFORMER IS - OF WIPING HIM OUT PHYSICALLY. THIS IS THE CORRECT METHOD, APPROVED BY THE PEOPLE, AND IT MINIMIZES CONSIDERABLY THE INCIDENCE OF INFILTRATION OR ENEMY SPYING.

FOR THE COMPLETE SUCCESS OF THE BATTLE AGAINST SPIES AND INFORMERS, IT IS ESSENTIAL TO ORGANIZE A COUNTERESPIONAGE OR COUNTERINTELLIGENCE SERVICE. NEVERTHELESS, AS FAR AS INFORMATION IS CONCERNED, IT CANNOT ALL BE REDUCED TO A QUESTION OF KNOWING THE ENEMY'S MOVES AND AVOIDING THE

INFILTRATION OF SPIES. INFORMATION MUST BE BROAD, IT MUST EMBRACE EVERYTHING, INCLUDING THE MOST INSIGNIFICANT MATTERS. THERE IS A TECHNIQUE OF OBTAINING INFORMATION AND THE URBAN GUERRILLA MUST MASTER IT. FOLLOWING THIS TECHNIQUE, INFORMATION IS OBTAINED NATURALLY, AS A PART OF THE LIFE OF THE PEOPLE.

THE URBAN GUERRILLA, LIVING IN THE MIDST OF THE PEOPLE AND MOVING ABOUT AMONG THEM, MUST BE ATTENTIVE TO ALL TYPES OF CONVERSATIONS AND HUMAN RELATIONS, LEARNING HOW TO DISGUISE HIS INTEREST WITH GREAT SKILL AND JUDGEMENT.

IN PLACES WHERE PEOPLE WORK STUDY, LIVE, IT IS EASY TO COLLECT ALL KINDS OF INFORMATION ON PAYMENTS, BUSINESS, PLANS OF ALL TYPES, POINTS OF VIEW, OPINIONS, PEOPLE'S STATE OF MIND, TRIPS, INTERIORS OF BUILDINGS, OFFICES AND ROOMS, OPERATION CENTERS, ETC.,

OBSERVATION, INVESTIGATION, RECONNAISSANCE, AND EXPLORATION OF THE TERRAIN ARE ALSO EXCELLENT SOURCES OF INFORMATION. THE URBAN GUERRILLA NEVER GOES ANYWHERE ABSENTMINDEDLY AND WITHOUT REVOLUTIONARY PRECAUTION, ALWAYS ON THE LOOKOUT LEST SOMETHING OCCUR. EYES AND EARS OPEN, SENSES ALERT, HIS MEMORY ENGRAVED WITH EVERYTHING NECESSARY, NOW OR IN THE FUTURE, TO THE UNINTERRUPTED ACTIVITY OF THE FIGHTER.

CAREFUL READING OF THE PRESS WITH PARTICULAR ATTENDION TO THE ORGANS OF MASS COMMUNICATION, THE INVESTIGATION OF ACCUMULATED DATA, THE TRANSMISSION OF NEWS AND EVERYTHING OF NOTE, A PERSISTENCE IN BEING INFORMED AND IN INFORMING OTHERS, ALL THIS MAKES UP THE INTRICATE AND IMMENSELY COMPLICATED QUESTION OF INFORMATION WHICH GIVES THE URBAN GUERRILLA A DECISIVE ADVANTAGE.

DECISION

28.

IT IS NOT ENOUGH FOR THE URBAN GUERRILLA TO HAVE IN HIS FAVOR SURPRISE, SPEED, KNOWLEDGE OF THE TERRAIN, AND INFORMATION. HE MUST ALSO DEMONSTRATE HIS COMMAND OF ANY SITUATION AND A CAPACITY FOR DECISION WITHOUT WHICH ALL OTHER ADVANTAGES WILL PROVE USELESS.

IT IS IMPOSSIBLE TO CARRY OUT ANY ACTION, HOWEVER WELL PLANNED, IF THE URBAN GUERRILLA TURNS OUT TO BE INDECISIVE, UNCERTAIN, IRRESOLUTE.

EVEN AN ACTION SUCCESSFULLY BEGUN CAN END IN DEFEAT IF THE COMMAND OF THE SITUATION AND THE CAPACITY FOR DECISION FALTER IN THE MIDDLE OF THE ACTUAL EXECUTION OF THE PLAN. WHEN THIS COMMAND OF THE SITUATION AND A CAPACITY FOR DECISION ARE ABSENT, THE VOID IS FILLED WITH VACILLATION AND TERROR. THE ENEMY TAKES ADVANTAGE OF THIS FAILURE AND IS ABLE TO LIQUIDATE US.

THE SECRET FOR THE SUCCESS OF ANY OPERATION, SIMPLE OR COMPLICATED, EASY OR DIFFICULT, IS TO RELY ON DETERMINED MEN. STRICTLY SPEAKING, THERE ARE NO EASY OPERATIONS. ALL MUST BE CARRIED OUT WITH THE SAME CARE EXERCISED IN THE CASE OF THE MOST DIFFICULT, BEGINNING WITH THE CHOICE OF THE HUMAN ELEMENT, WHICH MEANS RELYING ON LEADERSHIP AND CAPACITY FOR DECISION IN EVERY TEST.

ONE CAN SEE AHEAD OF TIME WHETHER AN ACTION WILL BE SUCCESSFUL OR NOT BY THE WAY ITS PARTICIPANTS ACT DURING THE PREPARATORY PERIOD. THOSE WHO ARE BEHIND, WHO FAIL TO MAKE DESIGNATED CONTACTS, ARE EASILY CONFUSED, FORGET THINGS, FAIL TO COMPLETE THE BASIC ELEMENTS OF THE WORK, POSSIBLY ARE INDECISIVE MEN AND CAN BE A DANGER. IT IS BETTER NOT TO INCLUDE THEM.

DECISION MEANS TO PUT INTO PRACTICE THE PLAN THAT HAS BEEN DEVISED WITH DETERMINATION, WITH AUDACITY, AND WITH AN ABSOLUTE FIRMNESS. IT TAKES ONLY ONE PERSON WHO VACILLATES TO LOSE ALL.

29.

OBJECTIVES OF THE URBAN GUERRILLA'S ACTIONS

WITH HIS TECHNIQUE DEVELOPED AND ESTABLISHED, THE URBAN GUERRILLA BASES HIMSELF ON MODELS OF ACTION LEADING TO ATTACK AND, IN BRAZIL, WITH THE FOLLOWING OBJECTIVES:

A) TO THREATEN THE TRIANGLE IN WHICH THE BRAZILIAN STATE SYSTEM AND NORTH AMERICAN DOMINATION ARE MAINTAINED IN BRAZIL, A TRIANGLE WHOSE POINTS ARE RIO, SAO PAULO AND BELO HORIZONTE AND WHOSE BASE IS THE AXLE RIO-SAO PAULO, WHERE THE GIANT INDUSTRIAL-FINANCIAL-ECONOMIC-POLITICAL-CULTURAL-MILITARY-POLICE COMPLEX THAT HOLDS THE ENTIRE DECISIVE POWER OF THE COUNTRY IS LOCATED;

B) TO WEAKEN THE LOCAL GUARDS OR THE SECURITY SYSTEM OF THE DICTATORSHIP, GIVEN THE FACT THAT WE ARE ATTACKING AND THE GORILLAS DEFENDING, WHICH MEANS CATCHING THE GOVERNMENT IN A DEFENSIVE POSITION WITH ITS TROOPS IMMOBILIZED IN DEFENSE OF THE ENTIRE COMPLEX OF NATIONAL MAINTENANCE, WITH ITS EVER-PRESENT FEARS OF AN ATTACK ON ITS STRATEGIC NERVE CENTERS, AND WITHOUT EVER KNOWING WHERE, HOW, AND WHEN THAT ATTACK WILL COME;

C) TO ATTACK ON EVERY SIDE WITH MANY DIFFERENT ARMED GROUPS, FEW IN NUMBER, EACH SELF-CONTAINED AND OPERATING SEPARATELY, TO DISPERSE THE GOVERNMENT FORCES IN THEIR PURSUIT OF A THOROUGHLY FRAGMENTED ORGANIZATION INSTEAD OF OFFERING THE DICTATORSHIP THE OPPORTUNITY TO CONCENTRATE ITS FORCES OF REPRESSION ON THE DESTRUCTION OF ONE TIGHTLY ORGANIZED SYSTEM OPERATING THROUGHOUT THE COUNTRY;

D) TO GIVE PROOF OF ITS COMBATIVENESS, DECISION, FIRMNESS, DETERMINATION, AND PERSISTENCE IN THE ATTACK ON THE MILITARY DICTATORSHIP IN ORDER TO PERMIT ALL MALCONTENTS TO FOLLOW OUR EXAMPLE AND FIGHT WITH

URBAN GUERRILLA TACTICS. MEANWHILE, THE GOVERNMENT, WITH ALL ITS PROBLEMS, INCAPABLE OF HALTING GUERRILLA OPERATIONS IN THE CITY, WILL LOSE TIME AND SUFFER ENDLESS ATTRITION AND WILL FINALLY BE FORCED TO PULL BACK ITS REPRESSIVE TROOPS IN ORDER TO MOUNT GUARD OVER THE BANKS, INDUSTRIES, ARMORIES, MILITARY BARRACKS, PRISONS, PUBLIC OFFICES, RADIO AND TELEVISION STATIONS, NORTH AMERICAN FIRMS, GAS STORAGE TANKS, OIL REFINERIES, SHIPS, AIRPLANES, PORTS, AIRPORTS, HOSPITALS, HEALTH CENTERS, BLOOD BANKS, STORES, GARAGES, EMBASSIES, RESIDENCES OF OUTSTANDING MEMBERS OF THE REGIME, SUCH AS MINISTERS AND GENERALS, POLICE STATIONS, AND OFFICIAL ORGANIZATIONS, ETC;

E) TO INCREASE URBAN GUERRILLA DISTURBANCES GRADUALLY IN AN ENDLESS ASCENDANCY OF UNFORESEEN ACTIONS SUCH THAT THE GOVERNMENT TROOPS CANNOT LEAVE THE URBAN AREA TO PURSUE THE GUERRILLAS IN THE INTERIOR WITHOUT RUNNING THE RISK OF ABANDONING THE CITIES AND PERMITTING REBELLION TO INCREASE ON THE COAST AS WELL AS IN THE INTERIOR OF THE COUNTRY;

F) TO OBLIGE THE ARMY AND THE POLICE, WITH THE COMMANDERS AND THEIR ASSISTANTS, TO CHANGE THE RELATIVE COMFORT AND TRANQUILLITY OF THEIR BARRACKS AND THEIR USUAL REST, FOR A STATE OF ALARM AND GROWING TENSION IN THE EXPECTATION OF ATTACK OR IN SEARCH FOR TRACKS THAT VANISH WITHOUT A TRACE;

G) TO AVOID OPEN BATTLE AND DECISIVE COMBAT WITH THE GOVERNMENT, LIMITING THE STRUGGLE TO BRIEF AND RAPID ATTACKS WITH LIGHTNING RESULTS;

H) TO ASSURE FOR THE URBAN GUERRILLA A MAXIMUM FREEDOM OF MANEUVERS AND OF ACTION WITHOUT EVER RELINQUISHING THE USE OF ARMED VIOLENCE,

31.

REMAINING FIRMLY ORIENTED TOWARD HELPING THE BEGINNING OF RURAL GUERRILLA WARFARE AND SUPPORTING THE CONSTRUCTION OF THE REVOLUTIONARY ARMY FOR NATIONAL LIBERATION.

ON THE TYPES AND NATURE OF ACTION MODELS FOR THE URBAN GUERRILLA

IN ORDER TO ACHIEVE THE OBJECTIVES PREVIOUSLY ENUMERATED, THE URBAN GUERRILLA IS OBLIGED, IN HIS TECHNIQUE, TO FOLLOW AN ACTION WHOSE NATURE IS AS DIFFERENT AND AS DIVERSIFIED AS POSSIBLE. THE URBAN GUERRILLA DOES NOT ARBITARILY CHOOSE THIS OR THAT ACTION MODEL. SOME ACTIONS ARE SIMPLE, OTHERS ARE COMPLICATED. THE URBAN GUERRILLA WITHOUT EXPERIENCE MUST BE INCORPORATED GRADUALLY INTO ACTIONS AND OPERATIONS THAT RUN FROM THE SIMPLE TO THE COMPLEX. HE BEGINS WITH SMALL MISSIONS AND TASKS UNTIL HE BECOMES A COMPLETELY EXPERIENCES URBAN GUERRILLA.

BEFORE ANY ACTION, THE URBAN GUERRILLA MUST THINK OF THE METHODS AND THE PERSONNEL AT HIS DISPOSAL TO CARRY OUT THE ACTION. OPERATIONS AND ACTIONS THAT DEMAND THE URBAN GUERRILLA'S TECHNICAL PREPARATION CANNOT BE CARRIED OUT BY SOMEONE WHO LACKS THAT TECHNICAL SKILL. WITH THESE CAUTIONS, THE ACTION MODELS WHICH THE URBAN GUERRILLA CAN CARRY OUT ARE THE FOLLOWING:

A) ASSAULTS;

B) RAIDS AND PENETRATIONS;

C) OCCUPATIONS;

D) AMBUSH;

E) STREET TACTICS;

F) STRIKES AND WORK INTERRUPTIONS;

G) DESERTIONS, DIVERSIONS, SEIZURES, EXPROPRIATIONS OF ARMS, AMMUNITION, EXPLOSIVES;

H) LIBERATION OF PRISONERS.

I) EXECUTIONS;

J) KIDNAPPINGS;

K) SABOTAGE;

L) TERRORISM;

M) ARMED PROPAGANDA;

N) WAR OF NERVES.

ASSAULTS

ASSAULT IS THE ARMED ATTACK WHICH WE MAKE TO EXPROPRIATE FUNDS, LIBERATE PRISONERS, CAPTURE EXPLOSIVES, MACHINE GUNS, AND OTHER TYPES OF ARMS AND AMMUNITION.

ASSAULTS CAN TAKE PLACE IN BROAD DAYLIGHT OR AT NIGHT.

DAYTIME ASSAULTS ARE MADE WHEN THE OBJECTIVE CANNOT BE ACHIEVED AT ANY OTHER HOUR, AS FOR EXAMPLE, THE TRANSPORT OF MONEY BY THE BANKS, WHICH IS NOT DONE AT NIGHT.

NIGHT ASSAULT IS USUALLY THE MOST ADVANTAGEOUS TO THE URBAN GUERRILLA. THE IDEAL IS FOR ALL ASSAULTS TO TAKE PLACE AT NIGHT WHEN CONDITIONS FOR A SURPRISE ATTACK ARE MOST FAVORABLE AND THE DARKNESS FACILITATES FLIGHT AND HIDES THE IDENTITY OF THE PARTICIPANTS. THE URBAN GUERRILLA MUST PREPARE HIMSELF, NEVERTHELESS, TO ACT UNDER ALL CONDITIONS, DAYTIME AS WELL AS NIGHTTIME.

THE MOST VULNERABLE TARGETS FOR ASSAULT ARE THE FOLLOWING:

A) CREDIT ESTABLISHMENTS;

B) COMMERCIAL AND INDUSTRIAL ENTERPRISES, INCLUDING THE PRODUCTION OF ARMS AND EXPLOSIVES;

C) MILITARY ESTABLISHMENTS;

D) COMMISSARIES AND POLICE STATIONS;

E) JAILS;

F) GOVERNMENT PROPERTY;

G) MASS COMMUNICATION MEDIA;

H) NORTH AMERICAN FIRMS AND PROPERTIES;

I) GOVERNMENT VEHICLES, INCLUDING MILITARY AND POLICE VEHICLES, TRUCKS, ARMORED VEHICLES, MONEY CARRIERS, TRAINS, SHIPS, AND PLANES.

THE ASSAULTS ON ESTABLISHMENTS ARE OF THE SAME NATURE BECAUSE IN EVERY CASE THE PROPERTY AND BUILDINGS REPRESENT A FIXED TARGET.

ASSAULTS ON BUILDINGS ARE CONCEIVED AS GUERRILLA OPERATIONS, VARIED ACCORDING TO WHETHER THEY ARE AGAINST BANKS, A COMMERCIAL ENTERPRISE, INDUSTRIES, MILITARY CAMPS, COMMISSARIES, PRISONS, RADIO STATIONS, WAREHOUSES FOR IMPERIALIST FIRMS, ETC.

THE ASSAULTS ON VEHICLES - MONEY-CARRIERS, ARMORED CARS, TRAINS, SHIPS, AIRPLANES - ARE OF ANOTHER NATURE SINCE THEY ARE MOVING TARGETS. THE NATURE OF THE OPERATIONS VARIES ACCORDING TO THE SITUATION AND THE POSSIBILITY - THAT IS, WHETHER THE TARGET IS STATIONARY OR MOVING.

ARMORED CARS, INCLUDING MILITARY CARS, ARE NOT IMMUNE TO MINES. OBSTRUCTED ROADS, TRAPS, RUSES, INTERCEPTION OF OTHER VEHICLES, MOLOTOV COCKTAILS, SHOOTING WITH HEAVY ARMS, ARE EFFICIENT METHODS OF ASSAULTING VEHICLES.

HEAVY VEHICLES, GROUNDED PLANES, ANCHORED SHIPS CAN BE SEIZED AND THEIR CREWS AND GUARDS OVERCOME. AIRPLANES IN FLIGHT CAN BE DIVERTED FROM THEIR COURSE BY GUERRILLA ACTION OR BY ONE PERSON.

SHIPS AND TRAINS IN MOVEMENT CAN BE ASSAULTED OR TAKEN BY GUERRILLA

OPERATIONS IN ORDER TO CAPTURE THE ARMS AND MUNITIONS OR TO PREVENT TROOP DISPLACEMENT.

THE BANK ASSAULT AS POPULAR MODEL

THE MOST POPULAR ASSAULT MODEL IS THE BANK ASSAULT. IN BRAZIL, THE URBAN GUERRILLA HAS BEGUN A TYPE OF ORGANIZED ASSAULT ON THE BANKS AS A GUERRILLA OPERATION. TODAY THIS TYPE OF ASSAULT IS WIDELY USED AND HAS SERVED AS A SORT OF PRELIMINARY EXAMINATION FOR THE URBAN GUERRILLA IN HIS APPRENTICESHIP FOR THE TECHNIQUES OF REVOLUTIONARY WARFARE.

IMPORTANT INNOVATIONS IN THE TECHNIQUE OF ASSAULTING BANKS HAVE DEVELOPED, GUARANTEEING FLIGHT, THE WITHDRAWAL OF MONEY, AND THE ANONYMITY OF THOSE INVOLVED. AMONG THESE INNOVATIONS WE CITE SHOOTING THE TIRES OF CARS TO PREVENT PURSUIT; LOCKING PEOPLE IN THE BANK BATHROOM, MAKING THEM SIT ON THE FLOOR; IMMOBILIZING THE BANK GUARDS AND REMOVING THEIR ARMS, FORCING SOMEONE TO OPEN THE COFFER OR THE STRONG BOX; USING DISGUISES.

ATTEMPTS TO INSTALL BANK ALARMS, TO USE GUARDS OR ELECTRONIC DETECTION DEVICES OF US ORIGIN, PROVE FRUITLESS WHEN THE ASSAULT IS POLITICAL AND IS CARRIED OUT ACCORDING TO URBAN GUERRILLA WARFARE TECHNIQUE. THIS TECHNIQUE TRIES TO UTILIZE NEW RESOURCES TO MEET THE ENEMY'S TACTICAL CHANGES, HAS ACCESS TO A FIRE POWER THAT IS GROWING EVERY DAY, BECOMES INCREASINGLY ASTUTE AND AUDACIOUS, AND USES A LARGER NUMBER OF REVOLUTIONARIES EVERY TIME; ALL TO GUARANTEE THE SUCCESS OF OPERATIONS PLANNED DOWN TO THE LAST DETAIL.

THE BANK ASSAULT IS A TYPICAL EXPROPRIATION. BUT, AS IS TRUE IN ANY KIND OF ARMED EXPROPRIATORY ACTION, THE REVOLUTIONARY IS HANDICAPPED BY A TWO-FOLD COMPETITION:

A) COMPETITION FROM THE OUTLAW;

B) COMPETITION FROM THE RIGHT-WING COUNTERREVOLUTIONARY.

THIS COMPETITION PRODUCES CONFUSION, WHICH IS REFLECTED IN THE PEOPLE'S UNCERTAINTY. IT IS UP TO THE URBAN GUERRILLA TO PREVENT THIS FROM HAPPENING, AND TO ACCOMPLISH THIS HE MUST USE TWO METHODS:

A) HE MUST AVOID THE OUTLAW'S TECHNIQUE, WHICH IS ONE OF UNNECESSARY VIOLENCE AND APPROPRIATION OF GOODS AND POSSESSIONS BELONGING TO THE PEOPLE;

B) HE MUST USE THE ASSAULT FOR PROPAGANDA PURPOSES, AT THE VERY MOMENT IT IS TAKING PLACE, AND LATER DISTRIBUTE MATERIAL, LEAFLETS, EVERY POSSIBLE MEANS OF EXPLAINING THE OBJECTIVES AND THE PRINCIPLES OF THE URBAN GUERRILLA AS EXPROPRIATOR OF THE GOVERNMENT, THE RULING CLASSES, AND IMPERIALISM.

RAIDS AND PENETRATION

RAIDS AND PENETRATIONS ARE QUICK ATTACKS ON ESTABLISHMENTS LOCATED IN NEIGHBORHOODS OR EVEN IN THE CENTER OF THE CITY, SUCH AS SMALL MILITARY UNITS, COMMISSARIES, HOSPITALS, TO CAUSE TROUBLE, SEIZE ARMS, PUNISH AND TERRORIZE THE ENEMY, TAKE REPRISAL, OR RESCUE WOUNDED PRISONERS, OR THOSE HOSPITALIZED UNDER POLICE VIGILANCE.

RAIDS AND PENETRATIONS ARE ALSO MADE ON GARAGES AND DEPOTS TO DESTROY VEHICLES AND DAMAGE INSTALLATIONS, ESPECIALLY IF THEY ARE NORTH AMERICAN FIRMS AND PROPERTY.

WHEN THEY TAKE PLACE ON CERTAIN STRETCHES OF THE HIGHWAY OR IN CERTAIN DISTANT NEIGHBORHOODS, THE RAIDS CAN SERVE TO FORCE THE ENEMY TO MOVE GREAT NUMBERS OF TROOPS, A TOTALLY USELESS EFFORT SINCE HE WILL FIND NOBODY THERE TO FIGHT.

WHEN THEY ARE CARRIED OUT IN CERTAIN HOUSES, OFFICES, ARCHIVES, OR

PUBLIC OFFICES. THEIR PURPOSE IS TO CAPTURE OR SEARCH FOR SECRET PAPERS AND DOCUMENTS WITH WHICH TO DENOUNCE INVOLVEMENTS, COMPROMISES, AND THE CORRUPTION OF MEN IN GOVERNMENT, THEIR DIRTY DEALS AND CRIMINAL TRANSACTIONS WITH THE NORTH AMERICANS.

RAIDS AND PENETRATIONS ARE MOST EFFECTIVE IF THEY ARE CARRIED OUT AT NIGHT.

OCCUPATIONS

OCCUPATIONS ARE A TYPE OF ATTACK CARRIED OUT WHEN THE URBAN GUERRILLA STATIONS HIMSELF IN SPECIFIC ESTABLISHMENTS AND LOCATIONS FOR A TEMPORARY RESISTANCE AGAINST THE ENEMY OR FOR SOME PROPAGANDA PURPOSE.

THE OCCUPATION OF FACTORIES AND SCHOOLS DURING STRIKES OR AT OTHER TIMES IS A METHOD OF PROTEST OR OF DISTRACTING THE ENEMY'S ATTENTION.

THE OCCUPATION OF RADIO STATIONS IS FOR PROPAGANDA PURPOSES.

OCCUPATION IS A HIGHLY EFFECTIVE MODEL FOR ACTION BUT, IN ORDER TO PREVENT LOSSES AND MATERIAL DAMAGE TO OUR RANKS, IT IS ALWAYS A GOOD IDEA TO COUNT ON THE POSSIBILITY OF WITHDRAWAL. IT MUST ALWAYS BE METICULOUSLY PLANNED AND CARRIED OUT AT THE OPPORTUNE MOMENT.

OCCUPATION ALWAYS HAS A TIME LIMIT AND THE FASTER IT IS COMPLETED THE BETTER.

AMBUSH

AMBUSHES ARE ATTACKS TYPIFIED BY SURPRISE WHEN THE ENEMY IS TRAPPED ACROSS A ROAD OR WHEN HE MAKES A POLICE NET SURROUNDING A HOUSE OR AN ESTATE. A FALSE MESSAGE CAN BRING THE ENEMY TO THE SPOT WHERE HE FALLS INTO THE TRAP.

THE PRINCIPAL OBJECT OF THE AMBUSH TACTIC IS TO CAPTURE ENEMY ARMS AND PUNISH HIM WITH DEATH.

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AMBUSHES TO HALT PASSENGER TRAINS ARE FOR PROPAGANDA PURPOSES AND, WHEN THEY ARE TROOP TRAINS, THE OBJECT IS TO ANNIHILATE THE ENEMY AND SEIZE HIS ARMS.

THE URBAN GUERRILLA SNIPER IS THE KIND OF FIGHTER ESPECIALLY SUITED FOR AMBUSH BECAUSE HE CAN HIDE EASILY IN THE IRREGULARITIES OF THE TERRAIN, ON THE ROOFS AND THE TOPS OF BUILDINGS AND APARTMENTS UNDER CONSTRUCTION. FROM WINDOWS AND DARK PLACES, HE CAN TAKE CAREFUL AIM AT HIS CHOSEN TARGET.

AMBUSH HAS DEVASTATING EFFECTS ON THE ENEMY, LEAVING HIM UNNERVED, INSECURE, AND FEARFUL.

STREET TACTICS

STREET TACTICS ARE USED TO FIGHT THE ENEMY IN THE STREETS, UTILIZING THE PARTICIPATION OF THE MASSES AGAINST HIM.

IN 1968 THE BRAZILIAN STUDENTS USED EXCELLENT STREET TACTICS AGAINST POLICE TROOPS, SUCH AS MARCHING DOWN STREETS AGAINST TRAFFIC, UTILIZING SLINGS AND MARBLES AS ARMS AGAINST THE MOUNTED POLICE.

OTHER STREET TACTICS CONSIST IN CONSTRUCTING BARRICADES; PULLING UP PAVING BLOCKS AND HURLING THEM AT THE POLICE; THROWING BOTTLES, BRICKS, PAPERWEIGHTS, AND OTHER PROJECTILES FROM THE TOP OF APARTMENT AND OFFICE BUILDINGS AGAINST THE POLICE; USING BUILDINGS UNDER CONSTRUCTION FOR FLIGHT, FOR HIDING, AND FOR SUPPORTING SURPRISE ATTACKS.

IT IS EQUALLY NECESSARY TO KNOW HOW TO RESPOND TO ENEMY TACTICS. WHEN THE POLICE TROOPS COME PROTECTED WITH HELMENTS TO DEFEND THEMSELVES AGAINST FLYING OBJECTS, WE HAVE TO DIVIDE OURSELVES INTO TWO TEAMS: ONE TO ATTACK THE ENEMY FROM THE FRONT, THE OTHER TO ATTACK HIM IN THE REAR, WITHDRAWING ONE AS THE OTHER GOES INTO ACTION TO PREVENT THE FIRST FROM BECOMING A TARGET FOR PROJECTILES HURLED BY THE SECOND.

BY THE SAME TOKEN IT IS IMPORTANT TO KNOW HOW TO RESPOND TO THE POLICE NET. WHEN THE POLICE DESIGNATE CERTAIN OF THEIR MEN TO GO INTO THE MASSES TO ARREST A DEMONSTRATOR, A LARGER GROUP OF URBAN GUERRILLAS MUST SURROUND THE POLICE GROUP, DISARMING AND BEATING THEM AND AT THE SAME TIME LETTING THE PRISONER ESCAPE. THIS URBAN GUERRILLA OPERATION IS CALLED THE NET WITHIN THE NET.

WHEN THE POLICE NET IS FORMED AT A SCHOOL BUILDING, A FACTORY, A PLACE WHERE THE MASSES ASSEMBLE, OR SOME OTHER POINT, THE URBAN GUERRILLA MUST NOT GIVE UP OR ALLOW HIMSELF TO BE TAKEN BY SURPRISE. TO MAKE HIS NET WORK THE ENEMY IS OBLIGED TO TRANSPORT THE POLICE IN VEHICLES AND SPECIAL CARS TO OCCUPY STRATEGIC POINTS IN THE STREETS IN ORDER TO INVADE THE BUILDING OR CHOSEN LOCALE. THE URBAN GUERRILLA, FOR HIS PART, MUST NEVER CLEAR A BUILDING OR AN AREA AND MEET IN IT WITHOUT FIRST KNOWING ITS EXITS, THE WAY TO BREAK THE CIRCLE, THE STRATEGIC POINTS THAT THE POLICE MIGHT OCCUPY, AND THE ROADS THAT INEVITABLY LEAD INTO THE NET, AND HE MUST HOLD OTHER STRATEGIC POINTS FROM WHICH TO STRIKE AT THE ENEMY.

THE ROADS FOLLOWED BY THE POLICE VEHICLES MUST BE MINED AT KEY POINTS ALONG THE WAY AND AT FORCED STOPPING POINTS. WHEN THE MINES EXPLODE, THE VEHICLES WILL FLY INTO THE AIR. THE POLICE WILL BE CAUGHT IN THE TRAP AND WILL SUFFER LOSSES OR WILL BE VICTIMS OF AMBUSH. THE NET MUST BE BROKEN BY ESCAPE ROUTES UNKNOWN TO THE POLICE. THE RIGOROUS PLANNING OF THE RETREAT IS THE BEST WAY OF FRUSTRATING ANY ENCIRCLING EFFORT ON THE PART OF THE ENEMY.

WHEN THERE IS NO POSSIBILITY OF A FLIGHT PLAN, THE URBAN GUERRILLA MUST NOT HOLD MEETINGS, ASSEMBLIES, OR DO ANYTHING ELSE SINCE TO DO so will prevent him from breaking through the net the enemy will surely try to throw around him.

Street tactics have revealed a new type of urban guerrilla, the urban guerrilla who participates in mass demonstrations. This is the type we designate as the urban guerrilla demonstrator, who joins the ranks and participates in popular marches with specific and definite aims.

These aims consist in hurling stones and projectiles of every type, using gasoline to start fires, using the police as a target for theip fire arms, capturing police arms, kidnapping agents of the enemy and provocateurs, shooting with careful aim at the henchmen tortureps and the police chiefs who come in special cars with false plates in order not to attract attention.

The urban guerrilla demonstrator shows groups in the mass demonstration the flight route if that is necessary. He plants mines, throws Molotov cocktails, prepares ambushes and explosions.

The urban guerrilla demonstrator must also initiate the net within the net, going through government vehicles, official cars, and police vehicles before turning them over or setting them on fire, to see if any of them have money and arms.

Snipers are very good for mass demonstrations and along with the urban guerrilla demonstrators, can play a valuable role.

Hidden at strategic points, the snipep, have complete success, using shotguns, machine guns, etc., whose fire and recoil easily cause losses among the enemy.

Strikes and Work Interruptions

The strike is a model of action employed by the urban guerrilla in

WORK CENTERS AND SCHOOLS TO DAMAGE THE ENEMY BY STOPPING WORK AND STUDY ACTIVITIES. BECAUSE IT IS ONE OF THE WEAPONS MOST FEARED BY THE EXPLOITERS AND OPPRESSORS, THE ENEMY USES TREMENDOUS FIGHTING POWER AND INCREDIBLE VIOLENCE AGAINST IT. THE STRIKERS ARE TAKEN TO PRISON, SUFFER BEATINGS, AND MANY OF THEM WIND UP ASSASSINATED.

THE URBAN GUERRILLA MUST PREPARE THE STRIKE IN SUCH A WAY AS TO LEAVE NO TRACKS OR CLUES THAT IDENTIFY THE LEADERS OF THE ACTION. A STRIKE IS SUCCESSFUL WHEN IT IS ORGANIZED THROUGH THE ACTION OF A SMALL GROUP, IF IT IS CAREFULLY PREPARED IN SECRET AND BY THE MOST CLANDESTINE METHODS.

ARMS, AMMUNITION, MOLOTOVS, HOMEMADE WEAPONS OF DESTRUCTION AND ATTACK, ALL THIS MUST BE SUPPLIED BEFOREHAND IN ORDER TO MEET THE ENEMY. SO THAT IT CAN DO THE GREATEST POSSIBLE DAMAGE, IT IS A GOOD IDEA TO STUDY AND PUT INTO EFFECT A SABOTAGE PLAN.

WORK AND STUDY INTERRUPTIONS, ALTHOUGH THEY ARE OF BRIEF DURATION, CAUSE SEVERE DAMAGE TO THE ENEMY. IT IS ENOUGH FOR THEM TO CROP UP AT DIFFERENT POINTS AND IN DIFFERENT SECTIONS OF THE SAME AREA, DISRUPTING DAILY LIFE, OCCURRING ENDLESSLY ONE AFTER THE OTHER, IN AUTHENTIC GUERRILLA FASHION.

IN STRIKES OR SIMPLE WORK INTERRUPTIONS, THE URBAN GUERRILLA HAS RECOURSE TO OCCUPATION OR PENETRATION OF THE LOCALE OR CAN SIMPLY MAKE A RAID. IN THAT CASE HIS OBJECTIVE IS TO TAKE HOSTAGES, TO CAPTURE PRISONERS OR TO KIDNAP ENEMY AGENTS AND PROPOSE AN EXCHANGE FOR THE ARRESTED STRIKERS.

IN CERTAIN CASES, STRIKES AND BRIEF WORK INTERRUPTIONS CAN OFFER AN EXCELLENT OPPORTUNITY FOR PREPARING AMBUSHES OR TRAPS WHOSE AIM IS

THE PHYSICAL LIQUIDATION OF THE CRUEL BLOODY POLICE.

THE BASIC FACT IS THAT THE ENEMY SUFFERS LOSSES AND MATERIAL AND MORAL DAMAGE, AND IS WEAKENED BY THE ACTION.

DESERTIONS, DIVERSIONS, SEIZURES, EXPROPRIATIONS OF ARMS, AMMUNITION, EXPLOSIVES

DESERTION AND THE DIVERSION OF ARMS ARE ACTIONS EFFECTED IN MILITARY CAMPS, SHIPS, MILITARY HOSPITALS, ETC. THE URBAN GUERRILLA SOLDIER, CHIEF SERGEANT, SUBOFFICIAL, AND OFFICIAL MUST DESERT AT THE MOST OPPORTUNE MOMENT WITH MODERN ARMS AND AMMUNITION TO HAND THEM OVER FOR THE USE OF THE BRAZILIAN REVOLUTION.

ONE OF THE OPPORTUNE MOMENTS IS WHEN THE MILITARY URBAN GUERRILLA IS CALLED UPON TO PURSUE AND TO FIGHT HIS GUERRILLA COMRADES OUTSIDE THE MILITARY QUARTERS. INSTEAD OF FOLLOWING THE ORDERS OF THE GORILLAS, THE MILITARY URBAN GUERRILLA MUST JOIN THE REVOLUTIONARIES BY HANDING OVER THE ARMS AND AMMUNITION HE CARRIES, OR THE MILITARY PLANE HE PILOTS.

THE ADVANTAGE OF THIS METHOD IS THAT THE REVOLUTIONARIES RECEIVE ARMS AND AMMUNITION FROM THE ARMY, THE NAVY, AND THE AIR FORCE, THE MILITARY POLICE, THE CIVILIAN GUARD, OR THE FIREMEN WITHOUT ANY GREAT WORK, SINCE IT REACHES THEIR HANDS BY GOVERNMENT TRANSPORT.

OTHER OPPORTUNITIES MAY OCCUR IN THE BARRACKS, AND THE MILITARY URBAN GUERRILLA MUST ALWAYS BE ALERT TO THIS. IN CASE OF CARELESSNESS ON THE PART OF THE COMMANDERS OR IN OTHER FAVORABLE CONDITIONS, SUCH AS BUREAUCRATIC ATTITUDES AND BEHAVIOR OR RELAXATION OF DISCIPLINE ON THE PART OF SUBLIEUTENANTS AND OTHER INTERNAL PERSONNEL, THE MILITARY URBAN GUERRILLA MUST NO LONGER WAIT BUT MUST TRY TO ADVISE THE ORGANIZATIONS AND DESERT ALONE OR ACCOMPANIED, BUT WITH AS LARGE A SUPPLY OF ARMS AS

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POSSIBLE.

WITH INFORMATION FROM AND PARTICIPATION OF THE MILITARY URBAN GUERRILLA, RAIDS ON BARRACKS AND OTHER MILITARY ESTABLISHMENTS FOR THE PURPOSE OF CAPTURING ARMS CAN BE ORGANIZED.

WHEN THERE IS NO POSSIBILITY OF DESERTING AND TAKING ARMS AND AMMUNITION, THE MILITARY URBAN GUERRILLA MUST ENGAGE IN SABOTAGE, STARTING EXPLOSIONS AND FIRES IN MUNITIONS AND GUNPOWDER.

THIS TECHNIQUE OF DESERTING WITH ARMS AND AMMUNITION, OF RAIDING AND SABOTAGING THE MILITARY CENTERS, IS THE BEST WAY OF WEARING OUT AND DEMORALIZING THE GORILLAS AND OF LEAVING THEM CONFUSED.

THE URBAN GUERRILLA'S PURPOSE IN DISARMING AN INDIVIDUAL ENEMY IS TO CAPTURE HIS ARMS. THESE ARMS ARE USUALLY IN THE HANDS OF SENTINELS OR OTHERS WHOSE TASK IS GUARD DUTY OR REPRESSION.

THE CAPTURE OF ARMS MAY BE ACCOMPLISHED BY VIOLENT MEANS OR BY ASTUTENESS AND BY TRICKS OR TRAPS. WHEN THE ENEMY IS DISARMED, HE MUST BE SEARCHED FOR ARMS OTHER THAN THOSE ALREADY TAKEN FROM HIM. IF WE ARE CARELESS, HE CAN USE THE ARMS THAT WERE NOT SEIZED TO SHOOT THE URBAN GUERRILLA.

THE SEIZURE OF ARMS IS AN EFFICIENT METHOD OF ACQUIRING MACHINE GUNS, THE URBAN GUERRILLA'S MOST IMPORTANT ARMS.

WHEN WE CARRY OUT SMALL OPERATIONS OR ACTIONS TO SEIZE ARMS AND AMMUNITIONS, THE MATERIAL CAPTURED MAY BE FOR PERSONAL USE OR FOR ARMAMENTS AND SUPPLIES FOR THE FIRING GROUPS.

THE NECESSITY TO PROVIDE FIRING POWER FOR THE URBAN GUERRILLA IS SO GREAT THAT, IN ORDER TO TAKE OFF FROM ZERO POINT WE OFTEN HAVE TO PURCHASE ONE WEAPON, DIVERT OR CAPTURE A SINGLE ARM. THE BASIC POINT IS TO BEGIN, AND TO BEGIN WITH A GREAT SPIRIT OF DECISIVENESS AND OF

BOLDNESS. THE POSSESSION OF A SINGLE ARM MULTIPLIES OUR FORCES.

IN A BANK ASSAULT, WE MUST BE CAREFUL TO SEIZE THE ARM OR ARMS OF THE BANK GUARD. THE REMAINDER OF THE ARMS WE FIND WITH THE TREASURER, THE BANK TELLER, OR THE MANAGER MUST ALSO BE SEIZED AHEAD OF TIME.

THE OTHER METHOD WE CAN USE TO CAPTURE ARMS IS THE PREPARATION OF AMBUSHES AGAINST THE POLICE AND THE CARS THEY USE TO MOVE AROUND IN.

QUITE OFTEN WE SUCCEED IN CAPTURING ARMS IN THE POLICE COMMISSARIES AS A RESULT OF RAIDS FROM OUTSIDE.

THE EXPROPRIATION OF ARMS, AMMUNITION, AND EXPLOSIVES IS THE URBAN GUERRILLA'S GOAL IN ASSAULTING COMMERCIAL HOUSES, INDUSTRIES, AND QUARRIES.

LIBERATION OF PRISONERS

THE LIBERATION OF PRISONERS IS AN ARMED OPERATION DESIGNED TO FREE THE JAILED URBAN GUERRILLA. IN DAILY STRUGGLE AGAINST THE ENEMY, THE URBAN GUERRILLA IS SUBJECT TO ARREST AND CAN BE SENTENCED TO UNLIMITED YEARS IN JAIL. THIS DOES NOT MEAN THAT THE REVOLUTIONARY BATTLE STOPS HERE. FOR THE GUERRILLA, HIS EXPERIENCE IS DEEPENED BY PRISON AND CONTINUES EVEN IN THE DUNGEONS WHERE HE IS HELD.

THE IMPRISONED URBAN GUERRILLA VIEWS JAIL AS A TERRAIN HE MUST DOMINATE AND UNDERSTAND IN ORDER TO FREE HIMSELF BY A GUERRILLA OPERATION. THERE IS NO PRISON, EITHER ON AN ISLAND, IN A CITY PENITENTIARY, OR ON A FARM, THAT IS IMPREGNABLE TO THE SLYNESS, THE CLEVERNESS, AND THE FIRING POTENTIAL OF THE REVOLUTIONARIES.

THE URBAN GUERRILLA WHO IS FREE VIEWS THE PENAL ESTABLISHMENTS OF THE ENEMY AS THE INEVITABLE SITE OF GUERRILLA ACTION DESIGNED TO LIBERATE HIS IDEOLOGICAL BROTHERS FROM PRISON.

IT IS THIS COMBINATION OF THE URBAN GUERRILLA IN FREEDOM AND THE

URBAN GUERRILLA IN JAIL THAT RESULTS IN THE ARMED OPERATIONS WE REFER TO AS THE LIBERATION OF PRISONERS.

THE GUERRILLA OPERATIONS THAT CAN BE USED IN LIBERATING PRISONERS ARE THE FOLLOWING:

A) RIOTS IN PENAL ESTABLISHMENTS, IN CORRECTIONAL COLONIES AND ISLANDS, OR ON TRANSPORT OR PRISON SHIPS;

B) ASSAULTS ON URBAN OR RURAL PENITENTIARIES, HOUSES OF DETENTION, COMMISSARIES, PRISONER DEPOTS, OR ANY OTHER PERMANENT, OCCASIONAL, OR TEMPORARY PLACE WHERE PRISONERS ARE HELD;

C) ASSAULTS ON PRISONER TRANSPORT TRAINS AND CARS;

D) RAIDS AND PENETRATIONS OF PRISONS;

E) AMBUSHING OF GUARDS WHO ARE MOVING PRISONERS.

EXECUTION

EXECUTION IS THE KILLING OF A NORTH AMERICAN SPY, OF AN AGENT OF THE DICTATORSHIP, OF A POLICE TORTURER, OF A FASCIST PERSONALITY IN THE GOVERNMENT INVOLVED IN CRIMES AND PERSECUTIONS AGAINST PATRIOTS, OF A STOOL PIGEON, INFORMER, POLICE AGENT, OR POLICE PROVOCATEUR.
THOSE WHO GO TO THE POLICE OF THEIR OWN FREE WILL TO MAKE DENUNCIATIONS AND ACCUSATIONS, WHO SUPPLY CLUES AND INFORMATION AND FINGER PEOPLE, MUST ALSO BE EXECUTED WHEN THEY ARE CAUGHT BY THE URBAN GUERRILLA.

EXECUTION IS A SECRET ACTION IN WHICH THE LEAST POSSIBLE NUMBER OF URBAN GUERRILLAS ARE INVOLVED. IN MANY CASES, THE EXECUTION CAN BE CARRIED OUT BY ONE SNIPER, PATIENTLY, /LONE AND UNKNOWN, AND OPERATING IN ABSOLUTE SECRECY AND IN COLD BLOOD.

KIDNAPPING

KIDNAPPING IS CAPTURING AND HOLDING IN A SECRET SPOT A POLICE AGENT

A NORTH AMERICAN SPY, A POLITICAL PERSONALITY, OR A NOTORIOUS AND DANGEROUS ENEMY OF THE REVOLUTIONARY MOVEMENT.

KIDNAPPING IS USED TO EXCHANGE OR LIBERATE IMPRISONED REVOLUTIONARY COMRADES, OR TO FORCE SUSPENSION OF TORTURE IN THE JAIL CELLS OF THE MILITARY DICTATORSHIP.

THE KIDNAPPING OF PERSONALITIES WHO ARE KNOWN ARTISTS, SPORTS FIGURES, OR ARE OUTSTANDING IN SOME OTHER FIELD, BUT WHO HAVE EVIDENCED NO POLITICAL INTEREST, CAN BE A USEFUL FORM OF PROPAGANDA FOR THE REVOLUTIONARY AND PATRIOTIC PRINCIPLES OF THE URBAN GUERRILLA PROVIDED IT OCCURS UNDER SPECIAL CIRCUMSTANCES, AND THE KIDNAPPING IS HANDLED SO THAT THE PUBLIC SYMPATHIZES WITH IT AND ACCEPTS IT.

THE KIDNAPPING OF NORTH AMERICAN RESIDENTS OR VISITORS IN BRAZIL CONSTITUTES A FORM OF PROTEST AGAINST THE PENETRATION AND DOMINATION OF UNITED STATES IMPERIALISM IN OUR COUNTRY.

SABOTAGE

SABOTAGE IS A HIGHLY DESTRUCTIVE TYPE OF ATTACK USING VERY FEW PERSONS AND SOMETIMES REQUIRING ONLY ONE TO ACCOMPLISH THE DESIRED RESULT. WHEN THE URBAN GUERRILLA USES SABOTAGE THE FIRST PHASE IS ISOLATED SABOTAGE. THEN COMES THE PHASE OF DISPERSED AND GENERALIZED SABOTAGE, CARRIED OUT BY THE PEOPLE.

WELL-EXECUTED SABOTAGE DEMANDS STUDY, PLANNING, AND CAREFUL EXECUTION. A CHARACTERISTIC FORM OF SABOTAGE IS EXPLOSION USING DYNAMITE, FIRE, AND THE PLACING OF MINES.

A LITTLE SAND, A TRICKLE OF ANY KIND OF COMBUSTIBLE, A POOR LUBRICATION, A SCREW REMOVED, A SHORT CIRCUIT, PIECES OF WOOD OR OF IRON, CAN CAUSE IRREPARABLE DAMAGE.

THE OBJECTIVE OF SABOTAGE IS TO HURT, TO DAMAGE, TO MAKE USELESS AND TO DESTROY VITAL ENEMY POINTS SUCH AS THE FOLLOWING:

A) THE ECONOMY OF THE COUNTRY;

B) AGRICULTURAL OR INDUSTRIAL PRODUCTION;

C) TRANSPORT AND COMMUNICATION SYSTEMS;

D) THE MILITARY AND POLICE SYSTEMS AND THEIR ESTABLISHMENTS AND DEPOSITS;

E) THE REPRESSIVE MILITARY-POLICE SYSTEM;

F) THE FIRMS AND PROPERTIES OF NORTH AMERICANS IN THE COUNTRY.

THE URBAN GUERRILLA SHOULD ENDANGER THE ECONOMY OF THE COUNTRY, PARTICULARLY ITS ECONOMIC AND FINANCIAL ASPECTS, SUCH AS ITS DOMESTIC AND FOREIGN COMMERCIAL NETWORK, ITS EXCHANGE AND BANKING SYSTEMS, ITS TAX COLLECTION SYSTEM, AND OTHERS.

PUBLIC OFFICES, CENTERS OF GOVERNMENT SERVICES, GOVERNMENT WAREHOUSES, ARE EASY TARGETS FOR SABOTAGE.

NOR WILL IT BE EASY TO PREVENT THE SABOTAGE OF AGRICULTURAL AND INDUSTRIAL PRODUCTION BY THE URBAN GUERRILLA, WITH HIS THOROUGH KNOWLEDGE OF THE LOCAL SITUATION.

INDUSTRIAL WORKERS ACTING AS URBAN GUERRILLAS ARE EXCELLENT INDUSTRIAL SABOTEURS SINCE THEY, BETTER THAN ANYONE UNDERSTAND THE INDUSTRY, THE FACTORY, THE MACHINE, OR THE PART MOST LIKELY TO DESTROY AN ENTIRE OPERATION, DOING FAR MORE DAMAGE THAN A POORLY INFORMED LAYMAN COULD DO.

WITH RESPECT TO THE ENEMY'S TRANSPORT AND COMMUNICATION SYSTEMS, BEGINNING WITH RAILWAY TRAFFIC, IT IS NECESSARY TO ATTACK THEM SYSTEMATICALLY WITH SABOTAGE ARMS.

THE ONLY CAUTION IS AGAINST CAUSING DEATH AND FATAL INJURY TO passengers, especially regular commuters on suburban and long-distance trains.

Attacks on freight trains, rolling or stationary stock, stoppage of military transport and communication systems, these are the major sabotage objectives in this area.

Sleepers can be damaged and pulled up, as can rails. A tunnel blocked by a barrier after an explosion, an obstruction by a derailed car, cause tremendous harm.

The derailment of a cargo train carrying fuel is of major damage to the enemy. So is dynamiting railway bridges. In a system where the weight and the size of the rolling equipment is enormous, it takes months for workers to repair or rebuild the destruction and damage.

As for highways, they can be obstructed by trees, stationary vehicles, ditches, dislocations of barriers by dynamite and bridges blown up by explosion.

Ships can be damages at anchor in seaports and river ports or in the shipyards. Airplanes can be destroyed or sabotaged on the ground.

Telephonic and telegraphic lines can be systematically damages, their towers blown up, and their lines made useless.

Transport and communications must be sabotaged at once because the revolutionary war has already begun in Brazil and it is essential to impede the enemy's movement of troops and munitions.

Oil lines, fuel plants, depots for bombs and ammunition, powder magazines and arsenals, military camps, commissaries must become targets par excellence in sabotage operations, while vehicles, army trucks, and other military and police cars must be destroyed wherever they are 48.

FOUND.

THE MILITARY AND POLICE REPRESSION CENTERS AND THEIR SPECIFIC AND SPECIALIZED ORGANS, MUST ALSO CLAIM THE ATTENTION OF THE URBAN GUERRILLA SABOTEUR.

NORTH AMERICAN FIRMS AND PROPERTIES IN THE COUNTRY, FOR THEIR PART, MUST BECOME SUCH FREQUENT TARGETS OF SABOTAGE THAT THE VOLUME OF ACTIONS DIRECTED AGAINST THEM SURPASSES THE TOTAL OF ALL OTHER ACTIONS AGAINST VITAL ENEMY POINTS.

TERRORISM

TERRORISM IS AN ACTION, USUALLY INVOLVING THE PLACEMENT OF A BOMB OR FIRE EXPLOSION OF GREAT DESTRUCTIVE POWER, WHICH IS CAPABLE OF EFFECTING IRREPARABLE LOSS AGAINST THE ENEMY.

TERRORISM REQUIRES THAT THE URBAN GUERRILLA SHOULD HAVE AN ADEQUATE THEORETICAL AND PRACTICAL KNOWLEDGE OF HOW TO MAKE EXPLOSIVES.

THE TERRORISTIC ACT, APART FROM THE APPARENT FACILITY WITH WHICH IT CAN BE CARRIED OUT, IS NO DIFFERENT FROM OTHER URBAN GUERRILLA ACTS AND ACTIONS WHOSE SUCCESS DEPENDS ON THE PLANNING AND DETERMINATION OF THE REVOLUTIONARY ORGANIZATION. IT IS AN ACTION THE URBAN GUERRILLA MUST EXECUTE WITH THE GREATEST COLD BLOODEDNESS, CALMNESS AND DECISION.

ALTHOUGH TERRORISM GENERALLY INVOLVES AN EXPLOSION, THERE ARE CASES IN WHICH IT MAY ALSO BE CARRIED OUT BY EXECUTION AND THE SYSTEMATIC BURNING OF INSTALLATIONS, PROPERTIES, AND NORTH AMERICAN DEPOTS, PLANTATIONS, ETC. IT IS ESSENTIAL TO POINT OUT THE IMPORTANCE OF FIRES AND THE CONSTRUCTION OF INCENDIARY BOMBS SUCH AS GASOLINE BOMBS IN THE TECHNIQUE OF REVOLUTIONARY TERRORISM. ANOTHER THING IS THE IMPORTANCE OF THE MATERIAL THE URBAN GUERRILLA CAN PERSUADE THE PEOPLE TO EXPROPRIATE IN MOMENTS OF

HUNGER AND SCARCITY RESULTING FROM THE GREED OF THE BIG COMMERCIAL INTERESTS.

TERRORISM IS AN ARM THE REVOLUTIONARY CAN NEVER RELINQUISH.

ARMED PROPAGANDA

THE COORDINATION OF URBAN GUERRILLA ACTIONS, INCLUDING EACH ARMED ACTION, IS THE PRINCIPAL WAY OF MAKING ARMED PROPAGANDA.

THESE ACTIONS, CARRIED OUT WITH SPECIFIC AND DETERMINED OBJECTIVES, INEVITABLY BECOME PROPAGANDA MATERIAL FOR THE MASS COMMUNICATIONS SYSTEM.

BANK ASSAULTS, AMBUSHES, DESERTIONS AND DIVERTING OF ARMS, THE RESCUE OF PRISONERS, EXECUTIONS, KIDNAPPINGS, SABOTAGE, TERRORISM, AND THE WAR OF NERVES ARE ALL CASES IN POINT.

AIRPLANES DIVERTED IN FLIGHT BY REVOLUTIONARY ACTION, MOVING SHIPS AND TRAINS ASSAULTED AND SEIZED BY GUERRILLAS, CAN ALSO BE SOLELY FOR PROPAGANDA EFFECTS.

BUT THE URBAN GUERRILLA MUST NEVER FAIL TO INSTALL A CLANDESTINE PRESS AND MUST BE ABLE TO TURN OUT MIMEOGRAPHED COPIES USING ALCOHOL OR ELECTRIC PLATES AND OTHER DUPLICATING APPARATUS, EXPROPRIATING WHAT HE CANNOT BUY IN ORDER TO PRODUCE SMALL CLANDESTINE NEWSPAPERS, PAMPHLETS, FLYERS, AND STAMPS FOR PROPAGANDA AND AGITATION AGAINST THE DICTATORSHIP.

THE URBAN GUERRILLA ENGAGED IN CLANDESTINE PRINTING FACILITATES ENORMOUSLY THE INCORPORATION OF LARGE NUMBERS OF PEOPLE INTO THE REVOLUTIONARY STRUGGLE, BY OPENING A PERMANENT WORK FRONT FOR THOSE WILLING TO CARRY ON REVOLUTIONARY PROPAGANDA, EVEN WHEN TO DO SO MEANS ACTING ALONE AND RISKING THEIR LIVES AS REVOLUTIONARIES.

WITH THE EXISTENCE OF CLANDESTINE PROPAGANDA AND AGITATIONAL MATERIAL, THE INVENTIVE SPIRIT OF THE URBAN GUERRILLA EXPANDS AND CREATES CATAPULTS, ARTIFACTS, MORTARS, AND OTHER INSTRUMENTS WITH WHICH

TO DISTRIBUTE THE ANTIGOVERNMENT PAMPHLETS AT A DISTANCE.

TAPE RECORDINGS, THE OCCUPATION OF RADIO STATIONS, AND THE USE OF LOUDSPEAKERS, DRAWINGS ON WALLS AND IN OTHER INACCESSIBLE PLACES ARE OTHER FORMS OF PROPAGANDA.

IN USING THEM, THE URBAN GUERRILLA SHOULD GIVE THEM THE CHARACTER OF ARMED OPERATIONS.

A CONSISTENT PROPAGANDA BY LETTERS SENT TO SPECIFIC ADDRESSES, EXPLAINING THE MEANING OF THE URBAN GUERRILLAS' ARMED ACTIONS, PRODUCES CONSIDERABLE RESULTS AND IS ONE METHOD OF INFLUENCING CERTAIN SEGMENTS OF THE POPULATION.

EVEN THIS INFLUENCE EXERCISED IN THE HEART OF THE PEOPLE BY EVERY POSSIBLE PROPAGANDA DEVICE REVOLVING AROUND THE ACTIVITY OF THE URBAN GUERRILLA DOES NOT INDICATE THAT OUR FORCES HAVE EVERYONE'S SUPPORT.

IT IS ENOUGH TO WIN THE SUPPORT OF A PART OF THE PEOPLE AND THIS CAN BE DONE BY POPULARIZING THE FOLLOWING SLOGAN: "LET HE WHO DOES NOT WISH TO DO ANYTHING FOR THE REVOLUTIONARIES, DO NOTHING AGAINST THEM."

THE WAR OF NERVES

THE WAR OF NERVES OR PSYCHOLOGICAL WAR IS AN AGGRESSIVE TECHNIQUE, BASED ON THE DIRECT OR INDIRECT USE OF MASS MEANS OF COMMUNICATION AND NEWS TRANSMITTED ORALLY IN ORDER TO DEMORALIZE THE GOVERNMENT.

IN PSYCHOLOGICAL WARFARE, THE GOVERNMENT IS ALWAYS AT A DISADVANTAGE SINCE IT IMPOSES CENSORSHIP ON THE MASS MEDIA AND WINDS UP IN A DEFENSIVE POSITION BY NOT ALLOWING ANYTHING AGAINST IT TO FILTER THROUGH.

AT THIS POINT IT BECOMES DESPERATE, IS INVOLVED IN GREATER CONTRADICTIONS AND LOSS OF PRESTIGE, AND LOSES TIME AND ENERGY IN AN EXHUSTING EFFORT AT CONTROL WHICH IS SUBJECT TO BEING BROKEN AT ANY MOMENT.

THE OBJECT OF THE WAR OF NERVES IS TO MISINFORM, SPREADING LIES AMONG THE AUTHORITIES, IN WHICH EVERYONE CAN PARTICIPATE, THUS CREATING AN AIR OF NERVOUSNESS, DISCREDIT, INSECURITY, UNCERTAINTY, AND CONCERN ON THE PART OF THE GOVERNMENT.

THE BEST METHODS USED BY THE URBAN GUERRILLA IN THE WAR OF NERVES ARE THE FOLLOWING:

A) USING THE TELEPHONE AND THE MAIL TO ANNOUNCE FALSE CLUES TO THE POLICE AND THE GOVERNMENT, INCLUDING INFORMATION ON THE PLANTING OF BOMBS AND ANY OTHER ACT OF TERRORISM IN PUBLIC OFFICES AND OTHER PLACES, KIDNAPPING AND ASSASSINATION PLANS, ETC., TO OBLIGE THE AUTHORITIES TO WEAR THEMSELVES OUT, FOLLOWING UP THE INFORMATION FED THEM;

B) LETTING FALSE PLANS FALL INTO THE HANDS OF THE POLICE TO DIVERT THEIR ATTENTION;

C) PLANTING RUMORS TO MAKE THE GOVERNMENT UNEASY;

D) EXPLOITING BY EVERY MEANS POSSIBLE THE CORRUPTION, THE ERRORS, AND THE FAILURES OF THE GOVERNMENT AND ITS REPRESENTATIVES, FORCING THEM INTO DEMORALIZING EXPLANATIONS AND JUSTIFICATIONS IN THE VERY MASS COMMUNICATION MEDIA THEY MAINTAIN UNDER CENSORSHIP;

E) PRESENTING DENUNCIATIONS TO FOREIGN EMBASSIES, THE UNITED NATIONS, THE PAPAL NUNCIATURE, AND THE INTERNATIONAL JUDICIAL COMMISSIONS DEFENDING HUMAN RIGHTS OR FREEDOM OF THE PRESS, EXPOSING EACH CONCRETE VIOLATION AND USE OF VIOLENCE BY THE MILITARY DICTATORSHIP AND MAKING IT KNOWN THAT THE REVOLUTIONARY WAR WILL CONTINUE ITS COURSE WITH SERIOUS DANGER FOR THE ENEMIES OF THE PEOPLE.

HOW TO CARRY OUT THE ACTION

THE URBAN GUERRILLA WHO CORRECTLY CARRIES THROUGH HIS APPRENTICESHIP AND TRAINING MUST GIVE THE GREATEST IMPORTANCE TO HIS METHOD OF CARRYING OUT ACTION, FOR IN THIS HE CANNOT COMMIT THE SLIGHTEST ERROR.

ANY CARELESSNESS IN THE ASSIMILATION OF THE METHOD AND ITS USE INVITES CERTAIN DISASTER, AS EXPERIENCE TEACHES EVERY DAY.

THE OUTLAWS COMMIT ERRORS FREQUENTLY BECAUSE OF THEIR METHODS, AND THIS IS ONE OF THE REASONS WHY THE URBAN GUERRILLA MUST BE SO INSISTENTLY PREOCCUPIED WITH FOLLOWING THE REVOLUTIONARY TECHNIQUE AND NOT THE TECHNIQUE OF THE BANDITS.

AND NOT ONLY FOR THAT REASON. THERE IS NO URBAN GUERRILLA WORTHY OF THE NAME WHO IGNORES THE REVOLUTIONARY METHOD OF ACTION AND FAILS TO PRACTICE IT RIGOROUSLY IN THE PLANNING AND EXECUTION OF HIS ACTIVITY.

THE GIANT IS KNOWN BY HIS TOE. THE SAME CAN BE SAID OF THE URBAN GUERRILLA WHO IS KNOWN FROM AFAR FOR HIS CORRECT METHODS AND HIS ABSOLUTE FIDELITY TO PRINCIPLES.

THE REVOLUTIONARY METHOD OF CARRYING OUT ACTION IS STRONGLY AND FORCEFULLY BASED ON THE KNOWLEDGE AND USE OF THE FOLLOWING ELEMENTS:

A) INVESTIGATION OF INFORMATION;

B) OBSERVATION OR PAQUERA[2];

C) RECONNAISSANCE OR EXPLORATION OF THE TERRAIN;

D) STUDY AND TIMING OF ROUTES;

E) MAPPING;

F) MECHANIZATION;

[2] IN BRAZIL THE EXPRESSION FAZER A PAQUERA IS USED TO DESIGNATE THE PREPARATIONS FOR HUNTING PACA, A MAMMAL RODENT OF SOUTH AMERICAN ORIGIN. BY EXTENSION, THE TERM PAQUERA IS USED AS A SYNONYM FOR CHECKING OR VIGILANCE. (EDITOR'S NOTE)

G) SELECTION OF PERSONNEL AND RELIEF;

H) SELECTION OF FIRING CAPACITY.

I) STUDY AND PRACTICE IN COMPLETION;

J) COMPLETION;

K) COVER;

L) RETREAT;

M) DISPERSAL;

N) LIBERATION OR TRANSFER OF PRISONERS;

O) ELIMINATION OF CLUES;

P) RESCUE OF WOUNDED.

SOME OBSERVATIONS ON THE METHOD

WHEN THERE IS NO INFORMATION, THE POINT OF DEPARTURE FOR THE PLANNING OF THE ACTION MUST BE INVESTIGATION, OBSERVATION, OR PAQUERA. THIS METHOD ALSO HAS GOOD RESULTS.

IN ANY EVENT, INCLUDING WHEN THERE IS INFORMATION, IT IS ESSENTIAL TO TAKE OBSERVATIONS OR PAQUERA, TO SEE THAT THE INFORMATION IS NOT AT ODDS WITH OBSERVATION OR VICE VERSA.

RECONNAISSANCE OR EXPLORATION OF THE TERRAIN, STUDY AND TIMING OF ROUTES ARE SO IMPORTANT THAT TO OMIT THEM IS TO MAKE A STAB IN THE DARK.

MECHANIZATION, IN GENERAL, IS AN UNDERESTIMATED FACTOR IN THE METHOD OF CONDUCTING THE ACTION. FREQUENTLY MECHANIZATION IS LEFT TO THE END, TO THE EVE OF THE ACTION, BEFORE ANYTHING IS DONE ABOUT IT.

THIS IS AN ERROR. MECHANIZATION MUST BE CONSIDERED SERIOUSLY, MUST BE UNDERTAKEN WITH CONSIDERABLE FORESIGHT AND ACCORDING TO CAREFUL PLANNING, ALSO BASED ON INFORMATION, OBSERVATION, OR PAQUERA, AND MUST be carried out with rigorous care and precision. The care, conservation, maintenance, and camouflaging of the vehicles expropriated are very important details of mechanization.

When transport fails, the principal action fails with serious moral and material consequences for the urban guerrilla activity.

The selection of personnel requires great care to avoid the inclusion of indecisive or vacillating personnel with the danger of contaminating the other participants, a difficulty that must be avoided.

The withdrawal is equally or more important than the operation itself, to the point that it must be rigorously planned, including the possibility of failure.

One must avoid rescue or transfer of prisoners with children present, or anything to attract the attention of people in casual transit through the area. The best thing is to make the rescue as natural as possible, always winding through, or using different routes or narrow streets that scarcely permit passage on foot, to avoid an encounter of two cars. The elimination of tracks is obligatory and demands the greatest caution in hiding fingerprints and any other sign that could give the enemy information. Lack of care in the elimination of tracks and clues is a factor that increases nervousness in our ranks and which the enemy often exploits.

Rescue of the Wounded

The problem of the wounded in urban guerrilla warfare merits special attention. During guerrilla operations in the urban area it may happen that some comrade is accidentally wounded or shot by the

POLICE. WHEN A GUERRILLA IN THE FIRING GROUP HAS A KNOWLEDGE OF FIRST AID HE CAN DO SOMETHING FOR THE WOUNDED COMRADE ON THE SPOT. IN NO CIRCUMSTANCES CAN THE WOUNDED URBAN GUERRILLA BE ABANDONED AT THE SITE OF THE BATTLE OR LEFT TO THE ENEMY'S HANDS.

ONE OF THE PRECAUTIONS WE MUST TAKE IS TO SET UP NURSING COURSES FOR MEN AND WOMEN, COURSES IN WHICH THE URBAN GUERRILLA CAN MATRICULATE AND LEARN THE ELEMENTARY TECHNIQUES OF FIRST AID.

THE URBAN GUERRILLA DOCTOR, STUDENT OF MEDICINE, NURSE, PHARMACOLOGIST, OR SIMPLY THE PERSON TRAINED IN FIRST AID, IS A NECESSITY IN MODERN REVOLUTIONARY STRUGGLE.

A SMALL MANUEL OF FIRST AID FOR THE URBAN GUERRILLA, PRINTED ON MIMEOGRAPHED SHEETS, CAN ALSO BE UNDERTAKEN BY ANYONE WHO HAS ENOUGH KNOWLEDGE.

IN PLANNING AND COMPLETING AN ARMED ACTION, THE URBAN GUERRILLA CANNOT FORGET THE ORGANIZATION OF MEDICAL LOGISTICS. THIS WILL BE ACCOMPLISHED BY MEANS OF A MOBILE OR MOTORIZED CLINIC. YOU CAN ALSO SET UP A MOBILE FIRST AID STATION. ANOTHER SOLUTION IS TO UTILIZE THE SKILLS OF A NURSING COMRADE WHO WAITS WITH HIS BAG OF EQUIPMENT IN A DESIGNATED HOUSE TO WHICH THE WOUNDED ARE BROUGHT.

THE IDEAL WOULD BE TO HAVE OUR OWN WELL EQUIPPED CLINIC, BUT THIS IS VERY COSTLY UNLESS WE USE EXPROPRIATED MATERIALS.

WHEN ALL ELSE FAILS, IT IS OFTEN NECESSARY TO RESORT TO LEGAL CLINICS, USING ARMED FORCE IF NECESSARY TO DEMAND THAT THE DOCTORS ATTEND TO OUR WOUNDED.

IN THE EVENTUALITY THAT WE FALL BACK ON BLOOD BANKS TO BUY BLOOD OR WHOLE PLASMA, WE MUST NOT USE LEGAL ADDRESSES AND CERTAINLY NOT

ADDRESSES WHERE THE WOUNDED CAN REALLY BE FOUND, SINCE THEY ARE UNDER OUR CARE AND PROTECTION. NOR SHOULD WE SUPPLY ADDRESSES OF THOSE INVOLVED IN THE ORGANIZATION'S CLANDESTINE WORK TO THE HOSPITALS AND HEALTH CENTERS WHERE WE TAKE THEM. SUCH CONCERNS ARE INDISPENSABLE TO COVER ANY TRACK OR CLUE.

THE HOUSES IN WHICH THE WOUNDED STAY CANNOT BE KNOWN TO ANYBODY WITH THE UNIQUE AND EXCLUSIVE EXCEPTION OF THE SMALL GROUP OF COMRADES RESPONSIBLE FOR THEIR TREATMENT AND TRANSPORT.

SHEETS, BLOODY CLOTHING, MEDICINE, AND ANY OTHER INDICATION OF TREATMENT OF THE COMRADES WOUNDED IN COMBAT WITH THE POLICE, MUST BE COMPLETELY ELIMINATED FROM ANY PLACE THEY VISIT TO RECEIVE MEDICAL TREATMENT.

GUERRILLA SECURITY

THE URBAN GUERRILLA LIVES IN CONSTANT DANGER OF THE POSSIBILITY OF BEING DISCOVERED OR DENOUNCED. THE CHIEF SECURITY PROBLEM IS TO MAKE CERTAIN THAT WE ARE WELL HIDDEN AND WELL GUARDED, AND THAT THERE ARE SECURE METHODS TO KEEP THE POLICE FROM LOCATING US OR OUR WHEREABOUTS.

THE WORST ENEMY OF THE URBAN GUERRILLA AND THE MAJOR DANGER WE RUN IS INFILTRATION INTO OUR ORGANIZATION BY A SPY OR AN INFORMER.

THE SPY TRAPPED WITHIN THE ORGANIZATION WILL BE PUNISHED WITH DEATH. THE SAME GOES FOR THOSE WHO DESERT AND INFORM TO THE POLICE.

A GOOD SECURITY IS THE CERTAINTY THAT THE ENEMY HAS NO SPIES AND AGENTS INFILTRATED IN OUR MIDST AND CAN RECEIVE NO INFORMATION ABOUT US EVEN BY INDIRECT OR DISTANT MEANS. THE FUNDAMENTAL WAY TO INSURE THIS IS TO BE CAUTIOUS AND STRICT IN RECRUITING.

NOR IS IT PERMISSIBLE FOR EVERYONE TO KNOW EVERYONE AND EVERYTHING

ELSE. EACH PERSON SHOULD KNOW ONLY WHAT RELATES TO HIS WORK. THIS RULE IS A FUNDAMENTAL POINT IN THE ABC'S OF URBAN GUERRILLA SECURITY.

THE BATTLE THAT WE ARE WAGING AGAINST THE ENEMY IS ARDUOUS AND DIFFICULT BECAUSE IT IS A CLASS STRUGGLE. EVERY CLASS STRUGGLE IS A BATTLE OF LIFE OR DEATH WHEN THE CLASSES ARE ANTAGONISTIC.

THE ENEMY WANTS TO ANNIHILATE US AND FIGHTS RELENTLESSLY TO FIND US AND DESTROY US, SO THAT OUR GREAT WEAPON CONSISTS IN HIDING FROM HIM AND ATTACKING HIM BY SURPRISE.

THE DANGER TO THE URBAN GUERRILLA IS THAT HE MAY REVEAL HIMSELF THROUGH IMPRUDENCE OR ALLOW HIMSELF TO BE DISCOVERED THROUGH LACK OF CLASS VIGILANCE. IT IS INADMISSIBLE FOR THE URBAN GUERRILLA TO GIVE OUT HIS OWN OR ANY OTHER CLANDESTINE ADDRESS TO THE ENEMY OR TO TALK TOO MUCH. ANNOTATIONS IN THE MARGINS OF NEWSPAPERS, LOST DOCUMENTS, CALLING CARDS, LETTERS OR NOTES, ALL THESE ARE CLUES THAT THE POLICE NEVER UNDERESTIMATE.

ADDRESS AND TELEPHONE BOOKS MUST BE DESTROYED AND ONE MUST NOT WRITE OR HOLD PAPERS: IT IS NECESSARY TO AVOID KEEPING ARCHIVES OF LEGAL OR ILLEGAL NAMES, BIOGRAPHICAL INFORMATION, MAPS AND PLANS. THE POINTS OF CONTACT SHOULD NOT BE WRITTEN DOWN BUT SIMPLY COMMITTED TO MEMORY.

THE URBAN GUERRILLA WHO VIOLATES THESE RULES MUST BE WARNED BY THE FIRST ONE WHO NOTES HIS INFRACTION AND, IF HE REPEATS IT, WE MUST AVIOD WORKING WITH HIM.

THE NEED OF THE URBAN GUERRILLA TO MOVE ABOUT CONSTANTLY AND THE RELATIVE PROXIMITY OF THE POLICE, GIVEN THE CIRCUMSTANCES OF THE STRATEGIC POLICE NET WHICH SURROUNDS THE CITY, FORCES HIM TO ADOPT VARIABLE security methods depending on the enemy's movements.

For this reason it is necessary to maintain a service of daily news about what the enemy appears to be doing, where his police net is operating and what gorges and points of strangulation are being watched. The daily reading of police news in the newspapers is a great fountain of information in these cases.

The most important lesson for guerrilla security is never, under any circumstances, to permit the slightest sign of laxity in the maintenance of security measures and regulations within the organization.

Guerrilla security must be maintained also and principally in cases of arrest. The arrested guerrilla can reveal nothing to the police that will jeopardize the organization. He can say nothing that may lead, as a consequence, to the arrest of other comrades, the discovery of addresses and hiding places, the loss of arms and ammunition.

The Seven Sins of the Urban Guerrilla

Even when the urban guerrilla applies his revolutionary technique with precision and rigorously abides by security rules, he can still be vulnerable to errors. There is no perfect urban guerrilla. The most he can do is to make every effort to diminish the margin of error since he cannot be perfect.

One of the methods he should use to diminish the margin of error is to know thoroughly the seven sins of the urban guerrilla and try to fight them.

The first sin of the urban guerrilla is inexperience. The urban guerrilla, blinded by this sin, thinks the enemy is stupid, underestimates his intelligence, believes everything is easy and, as a result, leaves

CLUES THAT CAN LEAD TO HIS DISASTER.

BECAUSE OF HIS INEXPERIENCE, THE URBAN GUERRILLA CAN ALSO OVERESTIMATE THE FORCES OF THE ENEMY, BELIEVING THEM TO BE STRONGER THAN THEY REALLY ARE. ALLOWING HIMSELF TO BE FOOLED BY THIS PRESUMPTION, THE URBAN GUERRILLA BECOMES INTIMIDATED, AND REMAINS INSECURE AND INDECISIVE, PARALYZED AND LACKING IN AUDACITY.

THE SECOND SIN OF THE URBAN GUERRILLA IS TO BOAST ABOUT THE ACTIONS HE HAS COMPLETED AND BROADCAST THEM TO THE FOUR WINDS.

THE THIRD SIN OF THE URBAN GUERRILLA IS VANITY. THE URBAN GUERRILLA WHO SUFFERS FROM THIS SIN TRIES TO SOLVE THE PROBLEMS OF THE REVOLUTION BY ACTIONS ERUPTING IN THE CITY, BUT WITHOUT BOTHERING ABOUT THE BEGINNINGS AND THE SURVIVAL OF THE GUERRILLA IN RURAL AREAS. BLINDED BY SUCCESS, HE WINDS UP ORGANIZING AN ACTION THAT HE CONSIDERS DECISIVE AND THAT PUTS INTO PLAY ALL THE FORCES AND RESOURCES OF THE ORGANIZATION. SINCE THE CITY IS THE AREA OF THE STRATEGIC CIRCLE WHICH WE CANNOT AVOID OR BREAK WHILE RURAL GUERRILLA WARFARE HAS NOT YET ERUPTED AND IS NOT AT THE POINT OF TRIUMPH, WE ALWAYS RUN THE FATEL ERROR OF PERMITTING THE ENEMY TO ATTACK US WITH DECISIVE BLOWS.

THE FOURTH SIN OF THE URBAN GUERRILLA IS TO EXAGGERATE HIS STRENGTH AND TO UNDERTAKE PROJECTS FOR WHICH HE LACKS FORCES AND, AS YET, DOES NOT HAVE THE REQUIRED INFRASTRUCTURE.

THE FIFTH SIN OF THE URBAN GUERRILLA IS PRECIPITOUS ACTION. THE URBAN GUERRILLA WHO COMMITS THIS SIN LOSES PATIENCE, SUFFERS AN ATTACK OF NERVES, DOES NOT WAIT FOR ANYTHING, AND IMPETUOUSLY THROWS HIMSELF INTO ACTION, SUFFERING UNTOLD REVERSES.

THE SIXTH SIN OF THE URBAN GUERRILLA IS TO ATTACK THE ENEMY WHEN

HE IS MOST ANGRY.

THE SEVENTH SIN OF THE URBAN GUERRILLA IS TO FAIL TO PLAN THINGS, AND TO ACT OUT OF IMPROVISATION.

POPULAR SUPPORT

ONE OF THE PERMANENT CONCERNS OF THE URBAN GUERRILLA IS HIS IDENTIFICATION WITH POPULAR CAUSES TO WIN PUBLIC SUPPORT.

WHERE GOVERNMENT ACTIONS BECOME INEPT AND CORRUPT, THE URBAN GUERRILLA SHOULD NOT HESITATE TO STEP IN TO SHOW THAT HE OPPOSES THE GOVERNMENT AND TO GAIN MASS SYMPATHY. THE PRESENT GOVERNMENT, FOR EXAMPLE, IMPOSES HEAVY FINANCIAL BURDENS AND EXCESSIVELY HIGH TAXES ON THE PEOPLE. IT IS UP TO THE URBAN GUERRILLA TO ATTACK THE DICTATORSHIP'S TAX COLLECTION SYSTEM AND TO OBSTRUCT ITS FINANCIAL ACTIVITY, THROWING ALL THE WEIGHT OF VIOLENT REVOLUTIONARY ACTION AGAINST IT.

THE URBAN GUERRILLA FIGHTS NOT ONLY TO UPSET THE TAX AND COLLECTION SYSTEM; THE ARM OF REVOLUTIONARY VIOLENCE MUST ALSO BE DIRECTED AGAINST THOSE GOVERNMENT ORGANS THAT RAISE PRICES AND THOSE WHO DIRECT THEM, AS WELL AS AGAINST THE WEALTHIEST OF THE NATIONAL AND FOREIGN PROFITEERS AND THE IMPORTANT PROPERTY OWNERS; IN SHORT, AGAINST ALL THOSE WHO ACCUMULATE HUGE FORTUNES OUT OF THE HIGH COST OF LIVING, THE WAGES OF HUNGER, EXCESSIVE PRICES AND RENTS.

FOREIGN TRUSTS, SUCH AS REFRIGERATION AND OTHER NORTH AMERICAN PLANTS THAT MONOPOLIZE THE MARKET AND THE MANUFACTURE OF GENERAL FOOD SUPPLIES, MUST BE SYSTEMATICALLY ATTACKED BY THE URBAN GUERRILLA.

THE REBELLION OF THE URBAN GUERRILLA AND HIS PERSISTENCE IN INTERVENING IN PUBLIC QUESTIONS IS THE BEST WAY OF INSURING PUBLIC

SUPPORT OF THE CAUSE WE DEFEND. WE REPEAT AND INSIST ON REPEATING: IT IS THE BEST WAY OF INSURING PUBLIC SUPPORT. AS SOON AS A REASONABLE SECTION OF THE POPULATION BEGINS TO TAKE SERIOUSLY THE ACTION OF THE URBAN GUERRILLA, HIS SUCCESS IS GUARANTEED.

THE GOVERNMENT HAS NO ALTERNATIVE EXCEPT TO INTENSIFY REPRESSION. THE POLICE NETWORKS, HOUSE SEARCHES, ARRESTS OF INNOCENT PEOPLE AND OF SUSPECTS, CLOSING OFF STREETS, MAKE LIFE IN THE CITY UNBEARABLE. THE MILITARY DICTATORSHIP EMBARKS ON MASSIVE POLITICAL PERSECUTION. POLITICAL ASSASSINATIONS AND POLICE TERROR BECOME ROUTINE.

IN SPITE OF ALL THIS, THE POLICE SYSTEMATICALLY FAIL. THE ARMED FORCES, THE NAVY, AND THE AIR FORCE ARE MOBILIZED AND UNDERTAKE ROUTINE POLICE FUNCTIONS. EVEN SO THEY FIND NO WAY TO HALT GUERRILLA OPERATIONS, NOR TO WIPE OUT THE REVOLUTIONARY ORGANIZATION WITH ITS FRAGMENTED GROUPS THAT MOVE AROUND AND OPERATE THROUGHOUT THE NATIONAL TERRITORY PERSISTENTLY AND CONTAGIOUSLY.

THE PEOPLE REFUSE TO COLLABORATE WITH THE AUTHORITIES, AND THE GENERAL SENTIMENT IS THAT THE GOVERNMENT IS UNJUST, INCAPABLE OF SOLVING PROBLEMS, AND RESORTS PURELY AND SIMPLY TO THE PHYSICAL LIQUIDATION OF ITS OPPONENTS.

THE POLITICAL SITUATION IN THE COUNTRY IS TRANSFORMED INTO A MILITARY SITUATION IN WHICH THE GORILLAS APPEAR MORE AND MORE TO BE THE ONES RESPONSIBLE FOR ERRORS AND VIOLENCE, WHILE THE PROBLEMS IN THE LIVES OF THE PEOPLE BECOME TRULY CATASTROPHIC.

WHEN THEY SEE THE MILITARISTS AND THE DICTATORSHIP ON THE BRINK OF THE ABYSS, AND FEARING THE CONSEQUENCES OF A REVOLUTIONARY WAR WHICH IS ALREADY AT A FAIRLY ADVANCED AND IRREVERSIBLE LEVEL, THE PACIFIERS, ALWAYS TO BE FOUND WITHIN THE RULING CLASSES, AND THE RIGHT-WING OPPORTUNISTS, PARTISANS OF NONVIOLENT STRUGGLE, JOIN HANDS AND CIRCULATE RUMORS BEHIND THE SCENES, BEGGING THE HANGMEN FOR ELECTIONS, "REDEMOCRATIZATION," CONSTITUTIONAL REFORMS, AND OTHER TRIPE DESIGNED TO FOOL THE MASSES AND MAKE THEM STOP THE REVOLUTIONARY REBELLION IN THE CITIES AND THE RURAL AREAS OF THE COUNTRY.

BUT, WATCHING THE REVOLUTIONARIES, THE PEOPLE NOW UNDERSTAND THAT IT IS A FARCE TO VOTE IN ELECTIONS WHICH HAVE AS THEIR SOLE OBJECTIVE, GUARANTEEING THE CONTINUATION OF THE MILITARY DICTATORSHIP AND COVERING UP ITS CRIMES.

ATTACKING WHOLEHEARTEDLY THIS ELECTION FARCE AND THE SO-CALLED "POLITICAL SOLUTION" SO APPEALING TO THE OPPORTUNISTS, THE URBAN GUERRILLA MUST BECOME MORE AGGRESSIVE AND VIOLENT, RESORTING WITHOUT LETUP TO SABOTAGE, TERRORISM, EXPROPRIATIONS, ASSAULTS, KIDNAPPINGS, EXECUTIONS, ETC.

THIS ANSWERS ANY ATTEMPT TO FOOL THE MASSES WITH THE OPENING OF CONGRESS AND THE REORGANIZATION OF POLITICAL PARTIES - PARTIES OF THE GOVERNMENT AND OF THE OPPOSITION IT ALLOWS - WHEN ALL THE TIME THE PARLIAMENT AND THE SO-CALLED PARTIES FUNCTION THANKS TO THE LICENSE OF THE MILITARY DICTATORSHIP IN A TRUE SPECTACLE OF MARIONETTES AND DOGS ON A LEASH.

THE ROLE OF THE URBAN GUERRILLA, IN ORDER TO WIN THE SUPPORT OF THE PEOPLE, IS TO CONTINUE FIGHTING, KEEPING IN MIND THE INTERESTS OF THE MASSES AND HEIGHTENING THE DISASTROUS SITUATION IN WHICH THE GOVERNMENT MUST ACT. THESE ARE THE CIRCUMSTANCES, DISASTROUS FOR THE DICTATORSHIP, WHICH PERMIT THE REVOLUTIONARIES TO OPEN RURAL GUERRILLA WARFARE IN THE

MIDST OF THE UNCONTROLLABLE EXPANSION OF URBAN REBELLION.

THE URBAN GUERRILLA IS ENGAGED IN REVOLUTIONARY ACTION IN FAVOR OF THE PEOPLE AND WITH IT SEEKS THE PARTICIPATION OF THE MASSES IN THE STRUGGLE AGAINST THE MILITARY DICTATORSHIP AND FOR THE LIBERATION OF COUNTRY FROM THE YOKE OF THE UNITED STATES. BEGINNING WITH THE CITY AND WITH THE SUPPORT OF THE PEOPLE, THE RURAL GUERRILLA WAR DEVELOPS RAPIDLY, ESTABLISHING ITS INFRASTRUCTURE CAREFULLY WHILE THE URBAN AREA CONTINUES THE REBELLION.

URBAN GUERRILLA WARFARE, SCHOOL FOR SELECTING THE GUERRILLAS

REVOLUTION IS A SOCIAL PHENOMENON THAT DEPENDS ON MEN, ARMS, AND RESOURCES. ARMS AND RESOURCES EXIST IN THE COUNTRY AND CAN BE TAKEN AND USED, BUT TO DO THIS IT IS NECESSARY TO COUNT ON MEN. WITHOUT THEM, THE ARMS AND THE RESOURCES HAVE NO USE AND NO VALUE. FOR THEIR PART, THE MEN MUST HAVE TWO BASIC AND INDISPENSABLE OBLIGATORY QUALITIES:

A) THEY MUST HAVE A POLITICO-REVOLUTIONARY MOTIVATION;

B) THEY MUST HAVE THE NECESSARY TECHNICAL-REVOLUTIONARY PREPARATION.

MEN WITH A POLITICO-REVOLUTIONARY MOTIVATION ARE FOUND AMONG THE VAST AND CLEARHEADED CONTINGENTS OF ENEMIES OF THE MILITARY DICTATORSHIP AND OF THE DOMINATION OF US IMPERIALISM.

ALMOST DAILY SUCH MEN GRAVITATE TO URBAN GUERRILLA WARFARE, AND IT IS FOR THIS REASON THAT THE REACTION NO LONGER ANNOUNCES THAT IT HAS THWARTED THE REVOLUTIONARIES AND GOES THROUGH THE UNPLEASANTNESS OF SEEING THEM RISE UP AGAIN OUT OF THEIR OWN ASHES.

THE MEN WHO ARE BEST TRAINED, MOST EXPERIENCES, AND DEDICATED TO URBAN GUERRILLA WARFARE AND AT THE SAME TIME TO RURAL GUERRILLA WARFARE, CONSTITUTE THE BACKBONE OF THE REVOLUTIONARY WAR AND, THEREFORE, OF

THE BRAZILIAN REVOLUTION. FROM THIS BACKBONE WILL COME THE MARROW OF THE REVOLUTIONARY ARMY OF NATIONAL LIBERATION, RISING OUT OF GUERRILLA WARFARE.

THIS IS THE CENTRAL NUCLEUS, NOT THE BUREAUCRATS AND OPPORTUNISTS HIDDEN IN THE ORGANIZATIONAL STRUCTURE, NOT THE EMPTY CONFEREES, THE CLICHED WRITERS OF RESOLUTIONS THAT REMAIN ON PAPER, BUT RATHER THE MEN WHO FIGHT. THE MEN WHO FROM THE VERY FIRST HAVE BEEN DETERMINED AND READY FOR ANYTHING, WHO PERSONALLY PARTICIPATE IN REVOLUTIONARY ACTIONS, WHO DO NOT WAVER OR DECEIVE.

THIS IS THE NUCLEUS INDOCTRINATED AND DISCIPLINED WITH A LONG-RANGE STRATEGIC AND TACTICAL VISION CONSISTENT WITH THE APPLICATION OF MARXIST THEORY, OF LENINISM AND OF CASTRO-GUEVARA DEVELOPMENTS, APPLIED TO THE SPECIFIC CONDITIONS OF THE BRAZILIAN SITUATION. THIS IS THE NUCLEUS THAT WILL LEAD THE REBELLION THROUGH ITS GUERRILLA PHASE.

FROM IT WILL COME MEN AND WOMEN WITH POLITICO-MILITARY DEVELOPMENT, ONE AND INDIVISIBLE, WHOSE TASK WILL BE THAT OF FUTURE LEADERS AFTER THE TRIUMPH OF THE REVOLUTION, IN THE CONSTRUCTION OF THE NEW BRAZILIAN SOCIETY.

AS OF NOW, THE MEN AND WOMEN CHOSEN FOR URBAN GUERRILLA WARFARE ARE WORKERS; PEASANTS WHOM THE CITY HAS ATTRACTED AS A MARKET FOR MAN POWER AND WHO RETURN TO THE COUNTRYSIDE INDOCTRINATED AND POLITICALLY AND TECHNICALLY PREPARED; STUDENTS, INTELLECTUALS, PRIESTS. THIS IS THE MATERIAL WITH WHICH WE ARE BUILDING - STARTING WITH URBAN GUERRILLA WARFARE - THE ARMED ALLIANCE OF WORKERS AND PEASANTS, WITH STUDENTS, INTELLECTUALS, PRIESTS.

WORKERS HAVE INFINITE KNOWLEDGE IN THE INDUSTRIAL SPHERE AND ARE

BEST FOR URBAN REVOLUTIONARY TASKS. THE URBAN GUERRILLA WORKER PARTICIPATES IN THE STRUGGLE BY CONSTRUCTING ARMS, SABOTAGING AND PREPARING SABOTEURS AND DYNAMITERS, AND PERSONALLY PARTICIPATING IN ACTIONS INVOLVING HAND ARMS, OR ORGANIZING STRIKES AND PARTIAL PARALYSIS WITH THE CHARACTERISTICS OF MASS VIOLENCE IN FACTORIES, WORKSHOPS AND OTHER WORK CENTERS.

THE PEASANTS HAVE AN EXTRAORDINARY INTUITION FOR KNOWLEDGE OF THE LAND, JUDGMENT IN CONFRONTING THE ENEMY, AND THE INDISPENSABLE ABILITY TO COMMUNICATE WITH THE HUMBLE MASSES. THE PEASANT GUERRILLA IS ALREADY PARTICIPATING IN OUR STRUGGLE AND IT IS HE WHO REACHES THE GUERRILLA CORE, ESTABLISHES SUPPORT POINTS IN THE COUNTRYSIDE, FINDS HIDING PLACES FOR INDIVIDUALS, ARMS, MUNITIONS, SUPPLIES, ORGANIZES THE SOWING AND HARVESTING OF GRAIN FOR USE IN THE GUERRILLA WAR, CHOOSES THE POINTS OF TRANSPORT, CATTLE RAISING POSTS, AND SOURCES OF MEAT SUPPLIES, TRAINS THE GUIDES THAT SHOW THE RURAL GUERRILLAS THE ROAD, AND CREATES AN INFORMATION SERVICE IN THE COUNTRYSIDE.

STUDENTS ARE NOTED FOR BEING POLITICALLY CRUDE AND COARSE AND THUS THEY BREAK ALL THE TABOOS. WHEN THE ARE INTEGRATED INTO URBAN GUERRILLA WARFARE, AS IS NOW OCCURING ON A WIDE SCALE, THEY SHOW A SPECIAL TALENT FOR REVOLUTIONARY VIOLENCE AND SOON ACQUIRE A HIGH LEVEL OF POLITICAL-TECHNICAL-MILITARY SKILL. STUDENTS HAVE PLENTY OF FREE TIME ON THEIR HANDS BECAUSE THEY ARE SYSTEMATICALLY SEPARATED, SUSPENDED, AND EXPELLED FROM SCHOOL BY THE DICTATORSHIP AND SO THEY BEGIN TO SPEND THEIR TIME ADVANTAGEOUSLY IN BEHALF OF THE REVOLUTION.

THE INTELLECTUALS CONSTITUTE THE VANGUARD OF RESISTANCE TO ARBITRARY ACTS, SOCIAL INJUSTICE, AND THE TERRIBLE INHUMANITY OF THE DICTATORSHIP OF THE GORILLAS. THEY SPREAD THE REVOLUTIONARY CALL AND THEY HAVE GREAT influence on people. The urban guerrilla intellectual or artist is the most modern of the Brazilian revolution's adherents.

Churchmen - that is to say, those ministers or priests and religious men of various hierarchies and persuasions - represent a sector that has special ability to communicate with the people, particularly with workers, peasants, and the Brazilian woman. The priest who is an urban guerrilla is an active ingredient in the ongoing Brazilian revolutionary war, and constitutes a powerful arm in the struggle against military power and North American imperialism.

As for the Brazilian woman, her participation in the revolutionary war, and particularly in urban guerrilla warfare, has been marked by an unmatched fighting spirit and tenacity, and it is not by chance that so many women have been accused of participation in guerrilla actions against banks, quarries, military centers, etc., and that so many are in prison while others are sought by the police.

As a school for choosing the guerrilla, urban guerrilla warfare prepares and places at the same level of responsibility and efficiency the men and women who share the same dangers fighting, rounding up supplies, serving as messengers or runners, as drivers, sailors, or airplane pilots obtaining secret information, and helping with propaganda and the task of indocrination.

Carlos Marighella
June 1969

EXHIBIT H

"DIRECTIONS FOR LIBERATING ACTION"

FROM: CROATIAN LIBERATIONAL FORCES HEADQUARTERS

ZAGREB 1977

WEAPONS

Many revolutionary acts which bring about the destruction of that prison Yugoslavia, can be accomplished taking measures other than armed. But, for some, weapons are needed.

The procurement of weapons poses a delicate but in no way unresolvable problem. For our aims we mainly need light weapons: revolvers, revolvers with silencers, ordinary and telescopic rifles, hand machine guns, hand grenades, bazookas, and other light mines and rockets of which there are various models in the armaments of all European armies including that of Yugoslavia.

We will not establish revolutionaries who are suppliers. Those in the homeland as well as those abroad will know where and how to procure the weapons necessary for the completion of an act. We will briefly mention a few important things: Regarding the smuggling of weapons - if they are needed by an individual or a group coming from abroad to undertake an assignment; under no circumstances are they to carry the weapons into the country with them. Someone else should transport them. The weapons should be in the homeland on location before the arrival of the revolutionaries so that there is no extended waiting period. Weapons must await the people, not vice versa.

It is important to hold to the rule that the weapons are never purchased by those who will use them in the performance of a revolutionary act. Others among the patriots must purchase them while always having a secure alibi at the time the act is carried out. They must have irrifutable proof and eyewitnesses.

There are many sources for weapons in the homeland: legal and illegal owners, patriots and corrupt persons having access to or owning arms such as officers and clerks in barracks, military warehouses and factories, members of UDBA and SUPA, discharged soldiers, territorial warehouses, hunters, etc.

Under no circumstances should one purchase a weapon without a supply of ammunition for it.

Before the act, the revolutionaries must become acquainted with the type of weapon which they will use. Since the weapon is new to them, they should take a few practice shots somewhere.

When it concerns weapons, the following must be said: All Croatians, not only Croatian revolutionaries, should obtain weapons wherever possible. EVERY CROATIAN HOME MUST BE ARMED. These arms should serve the Croat not as weapons of revenge or for the venting of fury over the persecution, plundering, and terrorizing of the Croatian people, nor to settle accounts with the innocent Orthodox population in the Croatian territory. These weapons should serve to insure that the hegemonists with the red star or with the chetnik's cockade on their hats are not able to terrorize and slaughter Croatian people- women and children, and destroy Croatian property without an armed resistance and punishment for their crimes.

Therefore Croats: A weapon in your hands is self-defense for your families, your homes, and it is punishment for those who would dare to attack them. It is a guarantee for your life and death for the despots.

We therefore repeat: Croatians, all Croatians obtain weapons wherever you can. Hide and watch over them so that at a moment's notice you can have it ready for use in your defense. Go so and advise your friends to do the same.

EXPLOSIVES AND INCENDIARY DEVICES

The use of explosives and incendiary materials is in itself sensitive and can even be dangerous. Therefore before we begin with the directions we consider it necessary and IMPORTANT to draw attention to some general principles which must be complied with UNCONDITIONALLY in order to acheive the maximum result and avoid unfortunate consequences. They are as follows:

1) Carelessness, disregard, and ignorance are the main causes of accidents in the handling of explosives and incendiary materials. Therefore, MAKE CERTAIN THAT YOU LEARN ALL there is to know about the handling of the explosive materials which you will use for the work on which you have decided. READ THE DIRECTIONS WHICH FOLLOW SEVERAL TIMES until you are certain you comprehend them.

2) Always follow all safety rules which you have learned with the greatest caution.

3) If you have not thoroughly learned, and if you don't know how to handle explosives you had better decide on another type of patriotic act, revolutionary or not, which you can accomplish without the use of explosives.

4) Always keep explosives in a dry and well ventilated location distant and isolated from residential areas.

5) When handling explosives avoid blows, friction, and of course, fire.

6) Keep the explosives away from fire and all flammable materials.

7) Lights, lamps, matches, pocket lighters and lit cigarettes must not come near explosive materials and their storage compartments. If it is under stone or concrete, do not walk with shoes having nails or steel spikes. Use only battery flashlights for illumination.

8) Dynamite, explosive gelatin and other explosives should not be mixed with bare hands. Use rubber gloves when placing in boxes, pipes, or containers.

9) Detonators, (capsules and "upaljači") both standard and electric are even more sensitive than explosives, so - EVEN GREATER CARE must be taken when handling them.

10) Keep all detonators in another location, nowhere near the explosives and incendiary mixtures.

11) Use only wooden utensils (stick, spoon, etc.) when (packing) explosives and detonators in containers, pipes, boxes, etc. to make the explosive or incendiary artifacts which you will use. Never use a metal utensil.

12) When putting explosives in a container, pipe, etc. in order to construct (a bomb, mine, etc.) which you will use, they must be well packed into the container and the opening through which it was filled is to be packed with appropriate material before the wick (of a flammable substance) or the electric detonator is lit.

13) Learn to use the fuse properly. The detonator must be securely connected to the fuse and reinforced using special pliers.

14) Learn to properly light the fuse as this guarantees a successful explosion.

15) Unprofessional handling and improper use of fuses and detonators give poor results and on occasion causes accidents.

16) Electrical wires and leads must be well insulated and well connected.

We repeat: TAKE GREAT PAINS and educate yourself well in all rules necessary for the handling of explosives and explosive artifacts which you will use.

If you do not have an opportunity to learn this well, it would be better that you resolve yourself to a revolutionary act which can be accomplished without the use of explosives.

Never imagine that you are so skilled and capable that you can allow yourself to be careless and rash in the handling of explosive materials and artifacts.

TYPES OF EXPLOSIVES

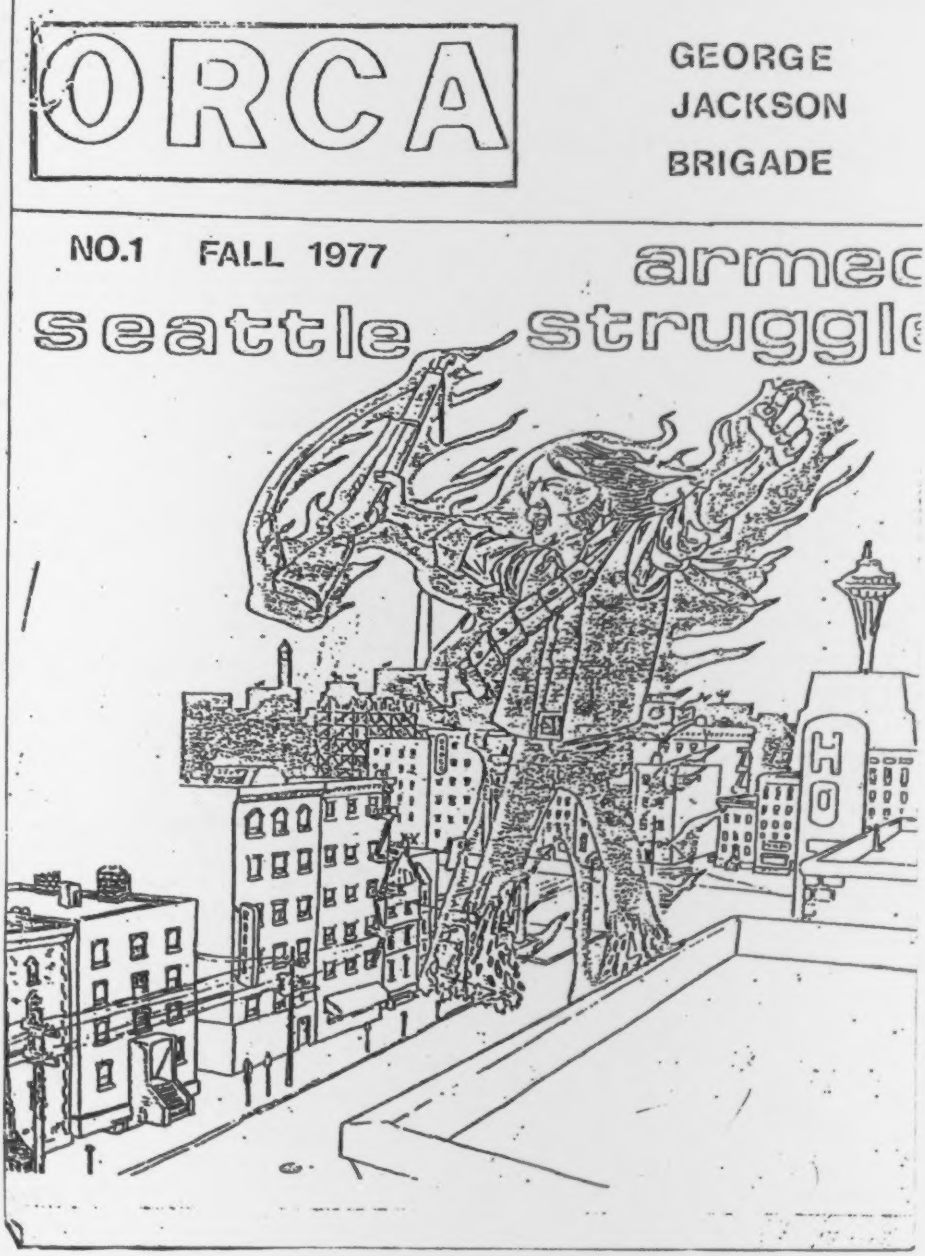
The detailed knowledge of explosives is one complete science about which volumes have been written. We can not go into great detail here so we will restrict ourselves to pertinent information and instructions necessary to a revolutionary for practical application.

Explosives are composed of chemicals which can be mixed, pressed, packed, into various containers, pipes, walls, rocks, boulders, cracks, and other objects in dry places or in water and which can be ignited and brought to an explosion according to the desires of the user. The object in question is destroyed or at least damaged. The result depends on the type and quantity of explosive, the placement, and the perfection of the placement, and packing.

There are various types of explosives. Here is a little on that subject:

[The next 16 pages of the manual were not reproduced for the record since they contain detailed instructions on such topics as high-powered explosives, fuses, detonators, how to light a fuse, ignitors, packing of explosive artifacts, homemade explosive artifacts, Molotov cocktails, handgrenades, demolition of railroad tracks, and simple measures.]

EXHIBIT I



ORCA

GEORGE
JACKSON
BRIGADE

NO.1 FALL 1977

armed
seattle struggle

contents

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Disappointed...

Dear NWP,

We were disappointed to find no coverage of the George Jackson Brigade's action involving some recent bank bombings in Renton.

But we really thought you should have at least printed their communique in full. Even the straight press printed fragments. So we waited eagerly for Vol. 16 No. 10, June 21-July 11, 1977. But again no communique. We think the NWP is a good paper. We just don't understand the editorial decisions that have caused these omissions. On today, 23rd June, we hear the brigade has issued another statement but it looks like we'll have to wait until July 12th - next issue of NWP before we can read what our brothers and sisters are trying to say to all of us. We hope the NWP won't let the community down by continuing to deny us what the Brigade is really saying, in their own words.

An Independent Collective
Seattle, Washington

orca

ORCA is published by ORCA P.O.B. 478, Seattle, Washington 98111 U.S.A., an organizing research collective for alternatives. This first issue is devoted to documentation of armed struggle in the Seattle area by the G.J.B. This publication is supported by its subscribers. Copies available on request. Donations appreciated. ORCA will be printed occassionally as time and resources permit by the collective. If we get enough response, criticism and discussion of this intial topic then we will put together a follow up issue of contributions. Other subjects under discussion for future issues are: nuclear resistance and non-violence; and art and anarchy. We are open to contributions, suggestions and discussion. Write us your views.

chronology

GEORGE JACKSON BRIGADE

1975

May 31 - Olympia - Bombing of the Washington State Department of Corrections in solidarity with Walla-Walla state prisoner's demands

August 6 - Tacoma - Bombing of FBI office in response to FBI attacks at Pine Ridge Indian reservation

August 7 - Everett - Bombing of BIA office.

September 18 - Seattle - Bombing of Safeway in retaliation for SLA capture and death of P.O. Ford

1976

January 1 - Seattle - Bombing of Safeway distribution center. Bombing of City Light sub-station to support strike by City Light workers.

January 23 - Tukwila - Attempted expropriation of Pacific National Bank. Bruce Seidel killed, John Shermen, wounded and arrested with Ed Mead

March 10 - Seattle - John Sherman freed from police by GJB gunfire.

March 12 - Seattle - Mark Cook arrested

April 8 - Seattle - Ed Mead convicted

June 18 - Seattle - Cook convicted

July - Seattle - M. Whitnack jailed for refusing to co-operate with grand jury probe of "conspiracy" behind GJB.

December 20 - Seattle - Whitnack released

1977

May 12 - Redmond - Bombing of Redmond bank in support of Walla Walla prisoner strike and to protest news blackout of struggle.

June 21 - Seattle - Expropriation of bank and state liquor store.

July 4 - Olympia - Attempted bombing of power sub-station.

September 21 - Seattle - Bank expropriation.

actions

Brigade Is Back With a Bang

By PAUL O'CONNOR

One explosion, one bomb defused.

The anticapitalist George Jackson Brigade is back, and the FBI says fugitive John Sherman is "probably" behind the brigade's latest publicity stunt.

The brigade surfaced again Thursday with the explosion of a bomb and the cloak-and-dagger release of a press "communique."

The brigade — or, according to the FBI, its "remnants" — claimed credit for exploding a simple gunpowder pipe bomb in the safe deposit vault of a Redmond branch office of Rainier Bank. The blast caused no injuries but did an estimated $20,000 damage.

Another pipe bomb, bearing fingerprints, was defused by police after they removed it from the vault in the bank's branch near downtown Bellevue.

The FBI said Sherman, who escaped from King County police during a shoot-out in March 1976, was known to be traveling in the area with "two ladies."

It was a woman who opened the two joint lock box accounts at the banks, both under the name of a fictitious Bellevue couple. But the FBI said Sherman, fleeing indictments for two bank robberies, is probably behind the latest incidents.

The communique said the bombs were planted in support of "the prisoners' struggle" against Walla Walla state prison authorities. And the press release threatened to "continue to attack the (Seattle) Times and its bosses . . . until they give in. However long that may take."

The brigade has taken offense with the alleged "bad press" given recent prisoner riots, strikes and protests.

But the polemical rhetoric dies away and is replaced by a kind of folksiness when the press release moves into a section called "The Brigade," which begins: "So, the GJB is back."

They say they've spent the past year "licking our wounds and learning our trade." They take credit for six Oregon bank robberies, netting $25,000. They say they're better equipped and "combat trained."

They still believe that "capitalism is the source of all oppression" and that it should "be overthrown by force of arms."

But other than that, the press release states,

"overall, we live pretty much like everybody else. We have landlord hassles, the car (singular) needs repair, the wiring in our home is bad. We are stunned — like everybody else — by the prices when we buy groceries."

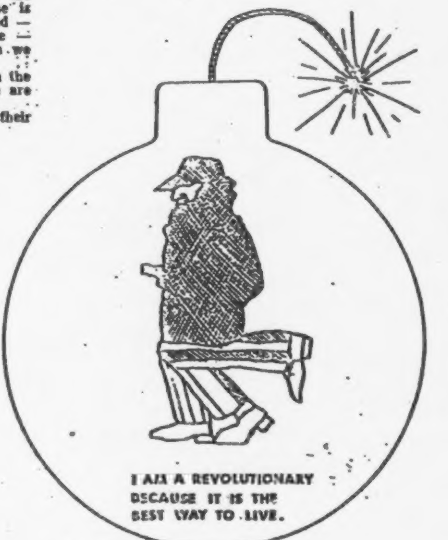
And there is even the assurance that "we are not crazy."

Reporting that their brigade is divided by conflicting views and that there is a "struggle within the brigade," they promise they'll have more to say soon.

In a gesture of humility, the press release allows that "we need criticism and analysis of our words and actions." The release did not say how those wishing to criticize or analyze their positions and performance could contact them.

The press release ended with a quotation from a Symbionese Liberation Army communique and exhorted its readers to "Remember the Compton Massacre," when five SLA members died in a shoot-out and fire in Los Angeles during 1974.

MAY



actions

Brigade: We Did It

In a typewritten letter mailed to the American Friends Service Committee here, the George Jackson Brigade, self-named revolutionary group, took responsibility yesterday for the May 21 robbery of the Newport Hills liquor store and Monday's robbery of the Factoria branch of Rainier National Bank.

The letter said the robbers needed the money for "weapons, ammunition, explosives, medical supplies, vehicles, etc."

"When we robbed the liquor store . . . it was necessary to take the manager's entire purse because the liquor store money was in it," the letter said.

"The day after the robbery we returned the manager's purse with all her own personal money, about $45, " because the brigade "won't steal as much as a penny from small businesses or working people."

The letter said the brigade took $4,200 in the bank robbery and $1,300 from the liquor store.

It was made public by Janice Lien, a staff member working with the committee's justice program. She said she assumed the committee received the letter because it has been trying to correct deficiencies at the Walla Walla penitentiary.

The letter referred to the recent "strike" of prisoners there as part of a "continuing struggle against brutal conditions" in the "hole," a solitary confinement area.

Bankers Offer $2,500 Reward

JUNE

The Washington Bankers Association yesterday announced a reward of $2,500 for information leading to the arrest of John William Sherman, self-professed member of the notorious George Jackson Brigade, and Rita Darlene Brown.

The association's announcement described both Sherman and Brown as "extremely dangerous."

It said both have been named in federal warrants "in connection with several bank-related crimes in Washington and Oregon during the past two years."

The FBI previously said Sherman was probably involved in a bombing and a bombing attempt at two Eastside branches of Rainier Bank last month.

The Brigade, whose members consider themselves revolutionaries, has been linked to the escape of Sherman from Harborview Medical Center in March, 1976. A King County policeman was shot in the stomach and wounded critically in that incident.

Sherman at the time was awaiting trial on charges in connection with a bank robbery in Tukwila.

Officials said information about Sherman and Brown should be provided directly to the Seattle office of the FBI.

actions

State Capitol Bomb Plot Foiled

By AP, UPI, P-I Staff

A Fourth of July bombing planned by a Northwest revolutionary group failed in Olympia early yesterday when State Patrol troopers deactivated three pipebombs that could have cut off all electric power to the State Capitol campus.

A tip on the bombing came at 11:30 p.m. Sunday in a call from a woman who identified herself as a member of the George Jackson Brigade.

She gave the location of the bombs and said they would explode in about half an hour," said Sgt. Robert Patters of the Olympia Police Department.

City and state police rushed to the Puget Sound substation at 10th and Cherry St., three blocks from the Capitol campus, and between 15 and 20 persons, including one in a wheelchair, were evacuated from nearby residences.

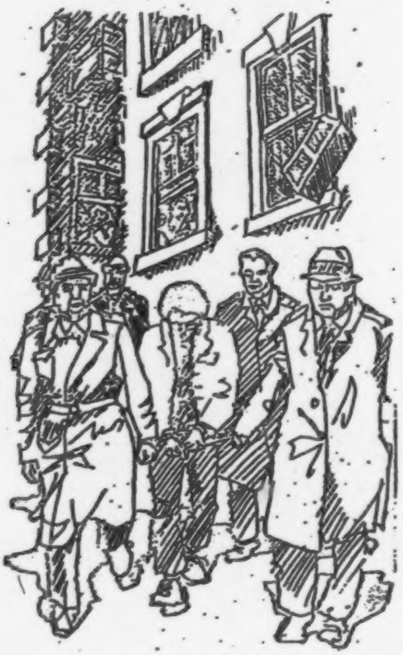
Officers found the three pipebombs, each a foot long and two inches wide, in a brown leather satchel planted at the base of one of two transformers.

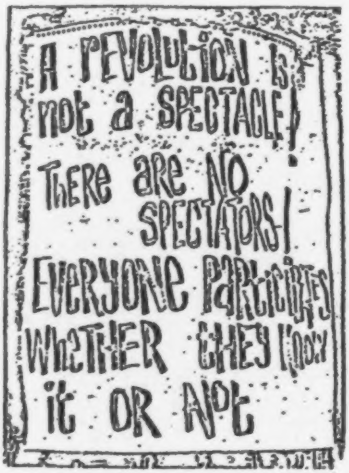
Members of the State Patrol bomb squad began the delicate task of deactivating the bombs shortly after midnight.

It took two hours to complete the work because such pipebombs frequently are booby-trapped. By 6 a.m. those evacuated were able to return to their homes.

An investigation by state and city police and the FBI has begun.

JULY





A REVOLUTION is not a SPECTACLE!
THERE are NO SPECTATORS!
EVERYONE PARTICIPATES
WHETHER THEY KNOW it OR NOT

actions

SEPTEMBER

Tuesday, September 20, 1977

Jackson Brigade note left in bank robbery

The revolutionary George Jackson Brigade apparently struck again yesterday, robbing the Skyway Park branch of Peoples National Bank of Washington, 12610 76th Ave. S.

A robber entered the bank shortly after noon and gave a teller a typewritten note, signed "Love and struggle, George Jackson Brigade."

Ray Mathis of the Federal Bureau of Investigation said the robber fled in a 1967 maroon Ford station wagon, with the license OBK 508. The car, which had been stolen earlier in the day, was found abandoned late yesterday near Southeast 125th Street and Renton Avenue South in Renton.

The robber was described as white, about 29 years old and of medium height and stocky build, with a light mustache, possibly false.

Mathis said it is possible that the robber was a woman. Rita Darlene Brown, a purported member of the brigade, is wanted in Oregon for a bank robbery in which authorities believe she posed as a man.

A fugitive brigade member, John W. Sherman, is wanted for bank robberies here and in Oregon. A man similar to Sherman's description robbed an Eastside bank about two weeks ago.

The small terrorist group has taken responsibility for several bombings and bank robberies here and in Oregon.

Bank Heist A 'Brigade' Hit

A bandit claiming to be with the George Jackson Brigade robbed the Skyway Park branch of Peoples National Bank shortly after noon yesterday.

An FBI spokesman said a teller was handed a typewritten note stating it was a holdup and that the robber had a gun. The note was signed "The George Jackson Brigade." The robber appeared to be a woman dressed as a man. No weapon was seen. The robber fled in a waiting station wagon. The suspect was about 29 years old, about 5 foot 8, 150 pounds, sticky build, with brown wavy hair, medium blue eyes and a false-looking mustache.

A similar bank robbery occurred in Kirkland on September 8.

community response

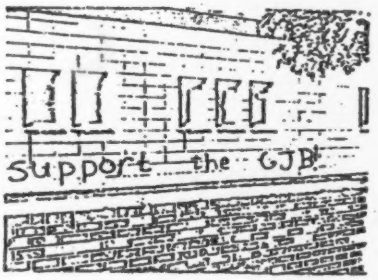
A Response to the GEORGE JACKSON Brigade

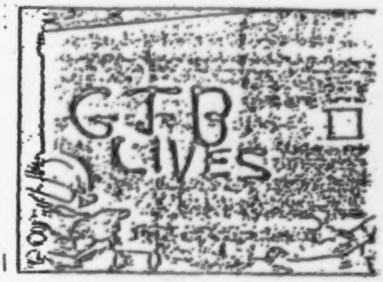
To date, there has been little principled discussion, coupled with an effective news blackout, on the subject of armed struggle, and in particular, the George Jackson Brigade. The establishment news media has isolated the George Jackson Brigade (GJB) by defining and reporting on it simply as a "terrorist" group, completely ignoring the the political principles by which it operates and the connections the Brigade sees between it's actions and community organizing. We hope this article sparks continuing discussion.

In writing about the GJB, we feel it is neccessary to analyze the role of armed struggle in the United States today. The media and the U.S. government would like us to believe that those involved in armed actions against the State are the ones that are initiating the violence and terrorism. In actuality, the government of this country and the ruling class behind it ranks as the most powerfully destructive force in the world. In the interest of maintaning the huge profits of multi-national corporations it has taken control of the economies and sought to destroy the cultures of Third World countries through genocidal warfare (as in Viet Nam). Forced sterilization, drug experimentation, destruction of the land and natural resources and outright killings of whole populations are just a few of the ways the U.S. government has terrorized the world.

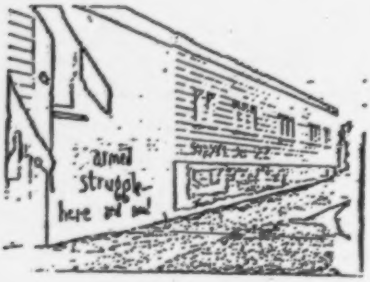
This same system has used these tactics on poor and Third World people here in the U.S. Children, women and men are killed daily on Indian reservations, in prisons and mental hospitals, and on the streets. Violence is institutionalized through the racist and sexist court, welfare, education and public health systems. This violence is a fact of life for poor and non-white people. Our children are shot on the streets, workers are killed by unsafe conditions on the job, women die from back alley abortions because they can't support another child and can't afford a safe abortion. Third World and poor women are consistently sterilized without their knowledge or consent- for example: 40% of Native American women, 35% of Puerto Rican ans 24% of Black women of childbearing age have been sterilized.

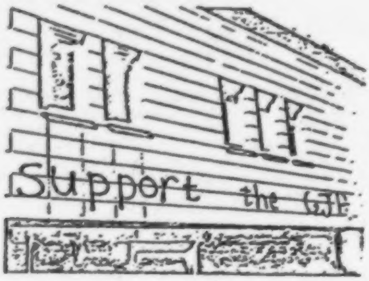
The other side of this violence inherent in these repressive conditions is a long history of resistance. Oppressed people have always had to fight to survive. It's time to broaden the struggle by giving up the benefits that come with white skin, being male and having economic priveledge. Combatting these priveledges means joining the fight on the front lines and that takes many forms-organizing on the job, in prisons, around welfare; demanding adequate health care, housing and food for all people; defending ourselves and our children against attack; and taking up arms against the system that robs us daily of our basic human rights.





community response





It is necessary to make connections between all of these struggles. and armed struggle has been especially isolated. It should be the shared responsibility of those involved in armed struggle and those involved in above ground organizing to make the links clear between our actions/work.

It is in this spirit that we give critical support to the George Jackson Brigade, with the understanding that the Brigade is involved in an ongoing process. We have specific criticisms of the GJB's past actions. We feel they were closed to input and criticism from the communities they were claiming to represent. They made unclear and antagonistic criticisms of the Seattle Left community. They seemed to present armed actions as the most revolutionary means of struggle while giving little critical support to above ground organizing. This is a particularly dangerous attitude, because above ground work is vitally important to build mass support for revolutionary change, especially at this stage of the struggle. The Brigade's actions were not clearly connected to community or national issues, and the destruction of property sometimes seemed an end in itself.

We support the self criticisms of the GJB and the changes they have made. The most recent communiques have asked for community input and they have made good, clear connections between their latest actions and the strike at Walla Walla State pen. The Brigade has asked for specific feedback on the use of tamperproof switches on bombs which would result in the death of a policeman if he were to attempt to de-activate the bomb. The alternative is to bluff the police with a phony switch and possibly watch them de-activate another device. The GJB needs response, also, on the issue of bombing in a residential area where there is the possibility of death or injury to people who live there. We feel it's important to respond to these questions. However, after discussing them collectively, we have not yet arrived at consensus, and so will continue to struggle. We urge other community groups and individuals to consider these problems and respond in whatever way they can.

We cannot allow the government and the media to be successful in their attempts to portray armed struggle as "terrorist" events. We must help clarify the political motivations behind the George Jackson Brigade's actions, and all revolutionary armed struggle. We must create the means for the exchange of mutual principled criticism. WE STRONGLY URGE PROGRESSIVE GROUPS AND THE ALTERNATIVE MEDIA TO CONTINUE THIS DISCUSSION.

—Stagecoach Mary Collective
AUGUST 10, 1977

communiques

THE GEORGE JACKSON BRIGADE

MAYDAY COMMUNIQUE

5/12/77

Today the George Jackson Brigade bombed two Bellevue branches of Rainier National Bank in support of the prisoners' struggle at Walla Walla state prison. We chose Rainier National Bank as a target because of its links to the Seattle Times, a bourgeois daily newspaper. The Seattle Times has led the propaganda campaign in Seattle against the prisoners.

WALLA WALLA

The past year has seen the strengthening of prisoner struggles throughout the state of Washington. There have been hunger strikes, work strikes, demonstrations and uprisings at Purdy, Monroe, McNeil Island, and Walla Walla. For more than six months, the prisoners at Walla Walla have been in the forefront of these struggles.

In October and in December, 1975, prisoners in the segregation units (the hole), staged a hunger strike to protest guards tampering with their food and the overall brutality of the hole. In January, the Walla Walla Brothers issued demands from the hole which included: shutting down the infamous behavior modification programs; firing three brutal employees of the Mental Health Unit (psychiatric torture unit); collectivization of the therapy programs; and due process in the hole. Throughout this period the Resident Government Council (RGC) tried to negotiate with the prison administration around grievances. The prison administration and the state government steadfastly ignored these efforts.

And things continued to get worse in the hole.

On April 5, a cigarette lighter bomb blew up in the hand of a particularly hated Walla Walla segregation guard. This happened while he was escorting a prisoner from the prison to the Walla Walla County courthouse. (Although police there immediately claimed "good leads" and a "suspect" inside the prison, they haven't so far charged anybody. Perhaps they are waiting for the right scapegoat.)

Using this incident as an excuse, the prison administration, led by B.J. Rhay, immediately launched an attack on all prisoner resistance and organization. Starting with the hole, they have systematically ransacked and looted all cells and meeting areas.

On April 10, while the administration was still busy with the hole, prisoners in the general population responded to this attack with a well planned and executed raid on the prison store. About 300 prisoners participated in this raid using fires as diversions.

Immediately following the raid, all maximum security prisoners went to their cell and locked up, starting a strike. A few days later, prisoner representatives issued a list of "grievances" and a demand to meet with DSHS officials and outside observers. This list included protests against racial discrimination, the lack of meaningful work inside the prison, and poor medical treatment.

By April 27, a "blue ribbon commission" appointed by governor D.L. Ray had met twice with the RGC over these grievances. This commission was led by Harlan McNutt, a person the prisoners had specifically asked not to se (His appointment was billed in the Seattle Press as an "act of defiance" by the governor.

On May 7, as a result of these meetings, McNutt ordered the following "changes" at Wall Walla:

- transfer of "mental patients" to East State Hospital

- accelerate work release opportunities
- improve dental care; hire a second dentist for 1600 men
- regular sanitary inspections
- go easier on visitor searches (but allow orifice searches for "reasonable cause")
- transfer associate warden Paul Harvey (supposedly "coincidental") At the same time he denied the existence of racial discrimination. These "changes are absurd. They actually consist of three attacks and four empty prouis
- The involuntary transfer of "mental patients" to Eastern State is a fascis attack on prisoner resistance. Involuntary transfer of any kind allows the administration to ship out "trouble makers" and break up prisoner organization. In December, 1974, Walla Walla prisoners seized parts of the prison and took hostages after negotiations had failed to resolve their demands against behavior modification and involuntary transfer. Twent years ago, Eastern State Hospital was notorious as a torture factory used to break prisoner resistance. They shall not get away with it again.
- Denying the existence of racial discrimination at Walla Walla authorizes the blatant racism that is the daily practice of the administration and guards there.
- Harvey is being foisted off on Shelton where he can do his dirty work on younger, less experienced prisoners.
- As for sanitary inspections, better dental care, better visiting conditions etc., we've heard it all before. We'll believe it when we see it.

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HE SEATTLE TIMES

The press plays a particularly important role in prisoner struggles. Prisoners are isolated from society and have no printing presses or money or outside organization to tell their story to the people. If people knew what really goes on in prisons and understood what their true effects on society are, they would shut them down tomorrow and send the parasites who run them to work. (Real work, useful work, hard labor, maybe?) The role of the press is to keep us from knowing by telling us only what the rulers of the prisons want us to know. Period. When the level of struggle inside the prison forces them to admit that struggle is going on, they make it appear to be spontaneous, isolated incidents. Clearly, the present strike at Walla Walla is part of ongoing and progressive mass struggle there.

All of this is true of all of the bourgeois press in Seattle. The Seattle Times however, has led the propaganda campaign. The Times is NOT, as its bosses and editorial writers would have us believe, and independent and objective observer and reporter of fact. It is a weapon used by the ruling class to lie to us.

Throughout the struggle the Times has consistently printed and supported whatever the prison bosses had to say about what was going on. It has printed long distribes by paranoid guards who are fearful of retaliation for their crimes. It has told us that prisoners have no real grievances; that the problem is really just "overcrowding"; and that the prisoners are just animals anyway, duped into struggle by a few troublemakers. By not printing the RGC grievances, the Times has refused to even pretend to be objective.

The Seattle Times is tied with a thousand threads to the big capitalists who run this country. They are owned, like most bourgeois newspapers in this country, by one huge conglomerate; in this case Knight-Ridder Newspapers, Inc. William Pennington, President of the Times, is a director of Rainier National Bank (RNB) and other large corporations. Through these companies, he is tied to Sea-First, Safeco, Boeing, Weyerhauser, Paccar, etc., etc. The owners and bosses of these companies are the real criminals -- the real enemies of society. Capitalism and capitalists cause crime and prison. We attacked RNB because we are determined to seek out and attack this real enemy, behind all his fronts and flunkies.

We demand that the Seattle Times print the entire text of the RGC grievances and any RGC responses to the latest "changes". We demand that the Seattle Times print the text of this communique and any future communiques that the GJB issues. We also demand that the Seattle Times interview prisoners in struggle in the hole at Walla Walla and print these interviews.

We have no illusions that the Times wil because of this action, agree to any of thes demands. We will continue to attack the Tim and its bosses until they do give in. Howev long that may take.

At the same time, we understand that, flunkies though they are, DSHS, the Departme of Adult Corrections, the governor, reaction warden B.J. Rhay, and the guards and staff a Walla Walla are the general staff and front line troops of the ruling class. They direct and carry out the bourgeoisie's attempts to crush prisoner resistance. They are respons for their own actions, and will someday meet the peoples' justice.

THE BRIGADE

> "There are two things to remember about revolution: we are going to get our as s kicked, and we are going to win."

So, the GJB is back. We got our asses kicked real bad at Tukwila a year ago, and we spent this last year licking our wounds and learning our trade. We've accumulated a lot of equipment and an enormous amount of experi We've done 6 teller robberies in Oregon banks for more than $25,000 without firing a shot. In the course of this, we've learned a lot about the police, the front line troops of capitalism.

Although we are armed and will defend ourselves if attacked, we are not crazy. We do not, as the FBI has claimed, "believe in shooting it out with an army of police". We understand that we are vastly outgunned and outnumbered and, if we are trapped, we will make a positive effort to surrender. But we have corrected the error that we criticized at Tukwila. We have a higher level of combat training and will never again be caught unprepared by the violence of an individual police officer. If captured, we will continue to fi wherever we end up.

Overall, we live pretty much like everybody else. We have landlord hassles, the car needs repair, the wiring in our home is bad. We are stunned (like everybody else) by the prices when we buy groceries.

For several months now we have been concentrating on political study and struggle to clarify what we think about revolution in thi country. As individuals, we have many disagreements. We will have more to say in the future about political struggle within the Brigade. We need criticism and analysis of our words and our actions.

We believe that capitalism is the source of all oppression at this time, and that revolution requires that it be overthrown by forc of arms by the masses of poor and working people in this country. We believe that the

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struggle against racism, national oppression, and sexism in all its forms are part and parcel of the struggle against capitalism. We are firmly united on these points.

> "... if people on the outside do not understand the necessity of defending them (prisoners) through force of arms, then it is because these people on the outside do not yet realize that they are in an immediate danger of being thrown into concentration camps themselves, tortured, or shot down in the streets for expressing their beliefs."
>
> Communique #10, SLA

REMEMBER THE COMPTON MASSACRE (May 17, 1974)

IN THE SPIRIT OF MAYDAY!

Love and Struggle,

The George Jackson Brigade
May 12, 1977

THE GEORGE JACKSON BRIGADE
SUMMER SOLSTICE COMMUNIQUE

Yesterday the George Jackson Brigade expropriated about $4200 from the Factoria branch of the Rainier National Bank.

A month ago, May 21, 1977, we expropriated about $1300 from the Newport Hills state liquor store.

Armed expropriation is a vital part of our work. Apart from the every day cost of living (which is as terrible a burden for us as for everyone else); weapons, ammunition, explosives, medical supplies, vehicles, etc.. cost an enormous amount of money. We will continue to take this money from the ruling class and its state. Most people understand that banks and the state are the real robbers of all society; and that the profit motive is the biggest robbery in history.

But we will under no circumstances steal so much as a penny from small businesses or from working people. When we robbed the liquor store, for example, it was necessary to take the manager's entire purse because the liquor store money was in it. The day after the robbe we returned the manager's purse with all of her own personal money (about $45)

We are not prepared at this time to presen a detailed analysis of the politics of armed robbery, but we feel it is necessary to claim these robberies to counter the attempt of the police to hide these actions from the people.

Both the King County Police and the FBI know that we did both these robberies. Exactly why they have chosen to hide this fact is a mystery to us, but we can see at least two possible advantages to them in their silence:
1. They would like very much to convince people that serious and successful revolutionary armed struggle is impossible and does not exist in this country, let alone in the Northwest.
2. One of the principal functions of the police is to repress progressive struggles and the left -- sometimes openly, sometimes secretly by infiltration and harassment. Their strategy at this time is to do it secretly. If they tell people about our actions, they will also alert them to be more vigilant against these tactics.

Although any bank, ruling class corporation or state agency is fair game for revolutionary expropriation, we chose RNB this time because the Seattle Times (RNB's crime partner) still refuses to print any communication from the Walla Walla prisoners. In particular they have ignored the prisoners' strike that continued in the hole after the lock up ended. The strike is part of the continuing struggle against the brutal conditions in the hole.

EXPROPRIATE THE EXPROPRIATOR!

Love and Struggle
George Jackson Brigade
June 21, 1977

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CAPITALISM IS ORGANIZED CRIME

THE GEORGE JACKSON BRIGADE

> ". . .any serious organizing of people must carry with it, from the start, a potential threat of revolutionary violence -- after all 'the stakes are high'."
>
> --George Jackson

Today we bombed the main substation for the state capitol complex in Olympia. The purpose of this action is to support the struggle of prisoners in the hole at Walla Walla state prison. These men are still on strike as a focus of their militant fight against illegal confinement, barbarism and torture.

The ISU (Intensive Security Unit - the hole) prisoners have issued the following ten "Immediate Demands". In solidarity with their strike, we demand the same changes - now!

1. Abolish the use of contracts and release all prisoners being held on contract violations.

2. Stop arbitrary punishments and conduct hearing committees in accordance to WAC rules.

3. Release all prisoners on Ad Seg status unless the warden can show a clear and present danger to prison security and order.

4. Remove all prisoners from "A" tier who have served more then 10 consecutive days on isolation status.

5. Give ISU prisoners the same visitation rights accorded prisoners on the mainline.

6. Full use of ISU yard, not the cage, and provision of adequate recreational equipment on each tier. Exercise periods should be substantially longer than one hour.

7. Full access to personal property in the general population such as cassette recorders, TVs, packages from home, books, hobby materials, art supplies, etc.

8. Complete commissary rights for prisoners on ad seg status unless the warden makes a written finding that a specific item is an actual danger to order.

9. Direct access to the prison law library for prisoners in the ISU who have active litigation pending in the courts.

10. Clean up and paint the ISU; provide adequate clothing; and stop the constant harassment of prisoners.

These demands require no special "blue ribbon commissions"; no new legislation, and no budge increases. They demand only that the prison administration obey its own laws and adopt minimum standards of human decency. We will continue to provide armed support for this jus struggle until all of these demands are fully met.

The main response of the prison bureaucra and their guards to this struggle has been to deepen and intensify the repression and brutality; and to provoke the prisoners to violence with deliberate insults, constant harassment, and assaults. When these men rise up in self defense, the administrators are fully prepared to slaughter them as a final solution to resistance.

Public attention must be focused on Walla Walla; the actual conditions of torture and humiliation must be widely publicized. Armed work is only one of many forms of support necessary to the struggle of the Walla Walla prisoners. We urge people to seek out the truth about the Walla Walla struggle and to actively fight for the lives and safety of these prisoners. In particular, it is the absolute duty of progressive people on the lef to join this fight.

Also, we give notice to the ruling class and its state that we hold them responsible as individuals for the safety of our comrade Ed Mead, and his comrades in ISU.

The struggle of ALL prisoners against their oppression in this country is a struggle for justice. It is a struggle that demands that society live up to its obligation to provide a full productive life for all citizen - an obligation that capitalism can not meet.

Capitalism causes crime. Overwhelmingly, the victims of crime are poor and Third World people. Street crime is caused and perpetuate by joblessness and underemployment; by a rulin class that uses people for its own profit and discards them when it has no more profitable use for them. The capitalist prison and its bureaucracy is a loathsome parasite on society. Its sole purpose is to administer the warehousi and repression of human beings for whom capitalism has no use and no solution.

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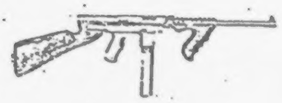
We congratulate the Walla Walla prisoners for winning their long struggle to get rid of bloddy B.J. Rhay. But the new warden, Douglas Vinzant, is hardly an improvement. Although he is pretending to be a good guy, both he and his boss Harlan Mc Nutt continue to ignore the hole and claim it isn't a problem. Be careful of these hoodlums comrades; no matter what they say, it is impossible to serve both the capitalists' prisons and the prisoners.

> "There will be a special page in the book of life for the women and men who have crawled back from the grave. This page will tell of utter defeat, ruin, passivity and subjection in one breath; and in the next overwhelming victory and fulfillment. So take care of yourself and hold on."
>
> -- George Jackson

SUPPORT THE STRUGGLE OF THE
ISU PRISONERS

Love and Struggle,

The George Jackson Brigade
July 4, 1977



"TELL NO LIES, CLAIM NO EASY VICTORIES"
Amilcar Cabral
Guinea Bissau

(Self criticism and other thoughts - GJB)

On July 4, 1977, we attempted to destroy the main substation supplying power to the state capitol complex in Olympia. Our reasons for this action are set forth in the communique attached to this letter.

The bomb did not explode. Although there is always a chance for mechanical failure in any pipe bomb, we are virtually certain that this was not the case here. This was probably our most carefully built bomb. After the failure at Bellevue, we spent hours on this bomb checking and rechecking every piece of wire, every circuit, every connection, every possibility for failure. We are convinced that the police disarmed it before it was due to detonate.

We had three main reasons for choosing this particular target:
1. We wanted to cause sufficient material damage to begin to make it unprofitable for the ruling class and its state to continue their barbarous treatment of the men in the hole at Walla Walla. Even though we obviousl cost the police some sleep and labor time, th action was clearly a failure in this regard.
2. We wanted to breakthrough the bourgeois media blackout and reach the ordinary people in this state with the truth about what's goi on at Walla Walla. It's too early to tell wh effect, if any, this action will have on the blackout.
3. We wanted to localize the effects of this action to state owned and operated buildings only. So far as we can tell, this substation supplies power exclusively to the state compl This is supported by the statements of three Seattle TV stations.

We made every effort to insure the safet of innocent people in the area of the target. The substation itself is located on the very edge of a residential district. The entire backside of it is deserted trees and brush. Across the street is the blocklong Washington State Patrol Capitol Security offices which w determined to be empty at the time. There ar two houses and one small apartment building i the immediate area. The nearest house is significantly farther from the target than th nearest house at Laurelhurst. The Laurelhurs explosion caused no damage to nearby dwelling other than window breakage from the concussio Also, we took care to direct the explosion into the transformer and away from the houses. We gave the police detailed instructions on the location of the substation and exactly which houses needed to be evacuated and which streets should be blocked to insure everyone' utmost safety. All of this is as it should b

We also gave the police a full thirty minutes warning to be sure they had ample tim to accomplish all of this. This too is as it should be, but it also gave them ample time t disarm the bomb. This represents one of the many contradictions in any bombing. One way to resolve this is to booby trap the bomb wit mercury switches to trip wires or the like so that it will explode if tampered with. In the past, we have not booby trapped our bombs for fear that some crazy or "heroic" police officer would try to disarm it anyway and blo himself (we don't know of any women-bomb squad members) up. We have instead used false booby trap warnings to keep them away. With the mechanical failure of one of our bombs in the Bellevue RNB however, they learned that it was not in fact equipped with a tamperpro switch as we had told them. We discussed this and decided that for this bomb we would contin to use a false booby trap warning on the assu tion that no one would be crazy enough to try to disarm a bomb that could be booby trapped,

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even with the Bellevue experience. We were wrong. Now we are faced with the dilemma of either being willing to see some police officer killed trying to disarm a bomb that is truly booby trapped, or being willing to watch them disarm our bombs with impunity.

We welcome all constructive criticism and ideas about this and the other contradictions that surround bombing as a revolutionary tactic.

Love and Struggle, The George Jackson
Brigade

July 4, 1977

•••••••

After a bomb recently planted by the George Jackson Brigade was disarmed before it went off, the group found itself faced with the dilemma of being willing to watch a cop die trying to disarm a booby-trapped bomb or being willing to watch unbooby-trapped bombs disarmed. In response to the GJB's request for "constructive criticism about this and the other contradictions that surround bombing as a revolutionary tactic," the Bay Area Research Collective, a group of anti-authoritarian, aboveground supporters of armed struggle (they formerly published Dragon), has asked that people send their thoughts on the subject to them. Barc, Box 4344, Sather Gate Sta., Berkeley, CA 94704, will compile the feedback, then redistribute it so as to further the discussion on this "extremely critical and necessary" topic.

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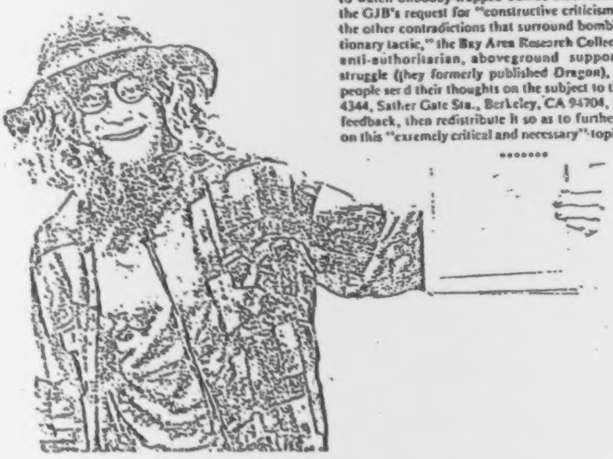

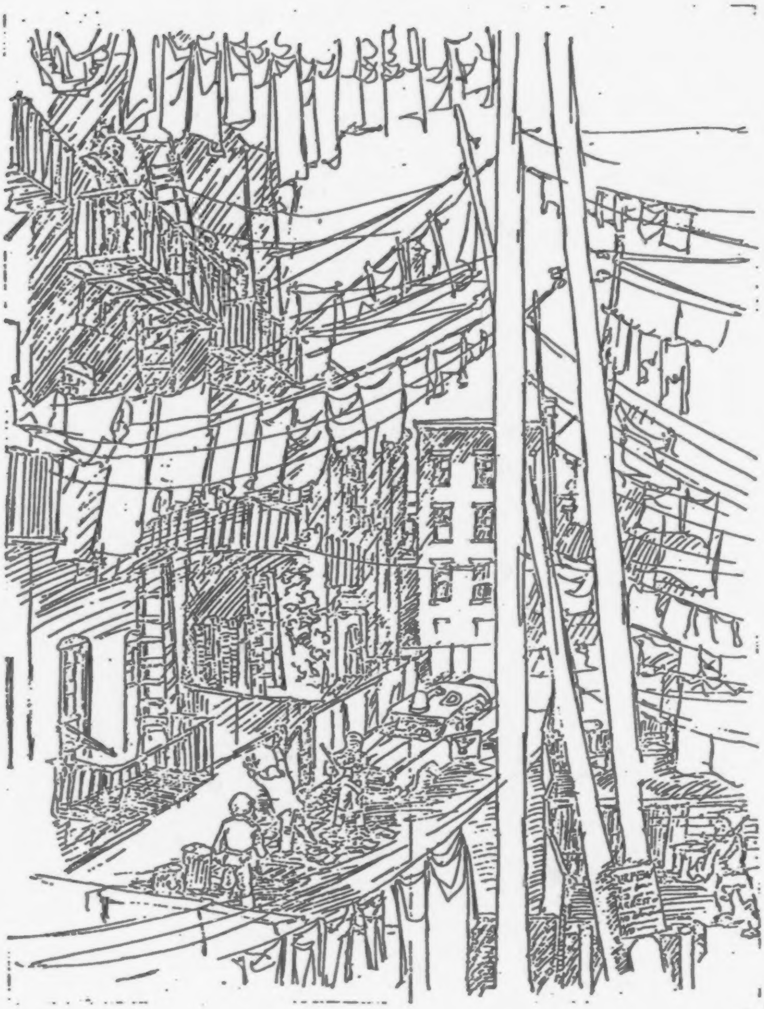

EXHIBIT J

METROPOLITAN POLICE DEPARTMENT

Inspectional Services Bureau

September 13, 1979

MEMORANDUM

TO: Director
Investigative Services Division

SUBJECT: Guidelines for Domestic Security Investigations

The security for any federal, state or local jurisdiction rests within their law enforcement agencies. The issue of intelligence is complex, however, it is necessary and provides the law enforcement agency with a sound data base which legitimately meets the needs of the agency in carrying out its mandate to protect the public.

As stated in the National Advisory Committee on Criminal Justice Standards and Goals report, entitled, "Disorders and Terrorism";

> "The importance of police intelligence operations in preventing and responding to incidents of extraordinary violence is clear. Where organized campaigns of disorder and terrorism are involved, in fact, intelligence operations can be viewed as the linchpin of an effective overall law enforcement program.
>
> "Equally clear, however, is the existence of wide-spread public resistance to any police activity that carries overtones of domestic spying and of general concern that the abuse of police intelligence capability for coping with extraordinary violence may take the form of focusing attention on unpopular persons and groups, rather than on dangerous ones. Increasing sensitivity to the maintenance of individual privacy as a state-citizen relations is another apparent bar to the conduct by police of intelligence operations with the full sweep now permitted by law."

Responsibility for intelligence operations rests with its law enforcement agency. A high degree of executive control is essential. With this in mind, General Order No. 304.11, entitled, "Policies and Guidelines for the Conduct and Operation of the Investigative Services Division," effective August 1, 1976, outlining the Department's policies and procedures over the conduct of intelligence operations, was issued.

The Department is committed to pursue its objectives only through legitimate means in accordance with current law and in recognition of the constitutional rights of all persons. However, the Department also recognized that Washington, D.C. is the seat of the Federal Government and, therefore, is host to numerous persons and groups exercising First Amendment rights relative to local, national or international issues. The Department further recognizes that the lives of U.S. citizens and representatives of foreign countries, and property, both public and private, are potential targets for unlawful assaults by terrorist groups.

Therefore, in order to carry out the Department's responsibility commensurate with the threat, the following guidelines relative to conducting Domestic Security Investigations will be strictly adhered to by all personnel of the Investigative Services Division:

I. BASIS OF INVESTIGATION:

A. Domestic Security Investigations may be conducted to ascertain information on the activities of individuals or groups which involve or may involve the use of force or violence and which involve or may involve violations of federal, state or local laws for the purpose of;

(1) Overthrowing the government of the United States or the government of a state or the government of the District of Columbia.

(2) Substantially interfering, in the United States, with activities of a foreign government or its authorized representatives.

(3) Substantially impairing for the purpose of influencing U.S. Government policies or decisions:

(a) The functioning of the government of the United States.

(b) The functioning of the government of a state.

(c) The functioning of the government of the District of Columbia.

(4) Arson for purpose of fraud, intimidation or political motivation.

(5) Threats to public officials and distinguished visitors.

(6) Manufacture, use or possession of explosive devices for purposes of fraud, intimidation or political motivation.

(7) Depriving persons of their civil rights under the Constitution, laws and treaties of the United States.

II. INITIATION AND SCOPE OF INVESTIGATIONS:

A. All investigations undertaken through these guidelines shall be designed and conducted so as not to limit the full exercise of rights protected by the Constitution and laws of the United States and the District of Columbia.

B. Domestic Security Investigations are conducted at three (3) levels, each differing in scope and investigative techniques which may be used:

(1) Preliminary Investigation

(2) Limited Investigation

(3) Full Investigation

C. Depending on the allegation or information received, an investigation may begin at any one of the three (3) levels.

III. LEVELS OF INVESTIGATION:

A. Preliminary Investigation:

(1) Preliminary Investigations may be undertaken on the basis of allegations or other information that an individual or a group may be engaged in activities which involve or may involve violations of federal, state or local laws for one or more of the purposes enumerated under Part I, Section A. These investigations shall be confined to determining whether there is a factual basis for opening a full investigation.

(2) Information gathered during a Preliminary Investigation shall be pertinent to verifying or refuting the allegations or information concerning activities described in Part I, Section A.

(3) Investigators may, upon approval of immediate superior, undertake Preliminary Investigations limited to:

(a) Examination of MPDC indices and files.

(b) Examination of public records and other public sources of information.

(c) Examination of federal, state and local records.

(d) Inquiry of existing sources of information and use of previously established informants.

(e) Physical surveillance and interviews of persons not mentioned in Part I, Section A(1-4), for the limited purpose of identifying the subject of an investigation, pursuant to General Order No. 304.11.

B. Limited Investigations:

(1) A Limited Investigation must be authorized in writing by the investigator, and approved by the Branch Commander, when the techniques listed in Part III, Section A(3), are inadequate to determine if there is a factual basis for a full investigation. In addition to the techniques set forth in Section III, Part A(3), the following techniques also may be used in a Limited Investigation:

(a) Physical surveillance for purposes other than identifying the subject of the investigation, pursuant to General Order No. 304.11.

(b) Interviews of persons not mentioned in Part III, Section A(3), for purposes other than identifying the subject of the investigation, but only when authorized by the Director, Investigative Services Division, after full consideration of such factors as the seriousness of the allegation, the need for the interview, and the consequences of using the technique. When there is a question whether an interview should be undertaken, the Director, Investigative Services Division, shall seek approval of the Inspectional Services Officer.

C. Full Investigations:

(1) Full Investigations must be authorized by the Director, Investigative Services Division. They may only be authorized on the basis of specific and articulative facts giving reason to believe that an individual or a group is or may be engaged in activities which may involve the use of force or violence and which may involve violations of federal, state or local laws for one or more of the purposes enumerated in Part I, Section A.

The following factors must be considered in determining whether a Full Investigation should be undertaken:

(a) The magnitude of the threatened harm.

(b) The likelihood it will occur.

(c) The immediacy of the threat.

(d) The danger to privacy and free expression posed by a Full Investigation.

IV. GENERAL INFORMATION:

A. Techniques such as recruitment or placement of informants in groups or electronic surveillance may not be used as part of a Preliminary or Limited Investigation.

B. All Preliminary and Limited Investigations shall be closed within 60 days of the date upon which the Preliminary Investigation was initiated. However, the Director, Investigative Services Division, may authorize, in writing, an extension of a Preliminary or Limited Investigation for a period of not more than 30 days when facts or information obtained in the original period justify such an extension. The authorization shall include a statement of the circumstances justifying the extension. Additional extensions, with justification from the Director, Investigative Services Division, must be approved by the Inspectional Services Officer.

Robert L Rabe

Robert L. Rabe
Inspectional Services Officer

GENERAL ORDER	SERIES 304	NUMBER 11	EFFECTIVE DATE August 1, 1976
SUBJECT: Policies and Guidelines for the Conduct and Operation of the Investigative Services Division		DISTRIBUTION D ORIGINATING UNIT OCR	

It is the mission of the Investigative Services Division to provide the department with data as required to meet its lawful responsibilities and authorized duties by facilitating the decision making process as this relates to the prevention of crime, the detection and prosecution of criminals and the protection of life and property within the District of Columbia. This order consists of the following part:

PART I Responsibilities and Procedures for Special Assignment Personnel

PART I

A. Statement of Policy.

In an affluent and highly mobile society, it is generally recognized that criminal activity does not conform to jurisdictional boundaries and that associations and conspiracies exist to promote such activity on a national and international basis. It is further recognized that Washington, D.C., is the seat of the federal government and therefore is host to numerous persons and groups, exercising First Amendment Rights relative to local, national or international issues. Finally, it is recognized that the lives of U.S. citizens and representatives of foreign countries, and property, both public and private, are potential targets for unlawful assaults by terrorist groups and persons suffering mental disorders.

Therefore, it is the policy of this Department to collect, analyze, and file such tactical and operational information data as may be required to detect and prosecute criminals, protect life and property and to deter, expose and prevent criminal activity. This shall be accomplished within the guidelines herein established, and coordinated with other federal, state, and municipal agencies as necessary by the scope of each individual event and in accordance with these procedures.

The Investigative Services Division shall only pursue its objectives through legitimate means in accordance with current law and in recognition of the Constitutional Rights of all persons.

B. Statement of Parameters of Interest.

Investigative attention and information gathering activities shall conform to the areas of interest listed herein. These areas are broadly defined as patterned crime.

This relates to individuals who have working relationships with organized crime, whose lawful activities depend upon the services offered by organized crime, or who enter into associations with others to commit or conspire to commit criminal acts and generally include the following offenses:

1. Gambling
2. Narcotic trafficking
3. White collar crime (crimes related to management and the manipulation of objects and paper with intrinsic value and/or objects or paper that represent value so as to defraud rightful owners).
4. Loan sharking
5. Labor racketeering
6. Business extortion
7. Infiltration of legitimate business
8. Commercialized vice and pornography
9. Corrupt practices in government and private business
10. Major fencing activities
11. Formal or informal organization to commit major crimes, i.e., homicide, burglary, auto theft, blackmail, kidnapping, destruction of property, etc.

12. Arson for purposes of fraud, intimidation or political motivation

13. Manufacture, use, or possession of explosive devices for purposes of fraud, intimidation or political motivation

14. Threats to public officials and distinguished visitors.

C. Criteria for Gathering Investigative Information and Limitations Established.

1. Criteria for Gathering Investigative Information.

It is the policy of this Department that information gathering shall relate to investigative objectives and that no files shall be established or maintained except under the following conditions.

a. Information and Files Pertaining to Criminal Activity.

Information may be gathered relative to crime figures and criminal operations in order to identify crime patterns, conspiracies, criminal associations or develop probable cause relative to criminal acts and threats of same.

b. Information and Files Pertaining to Events Occurring in Other Locations.

Information may be gathered on violations of law, events or conditions occurring in other jurisdictions which may pose a threat to life or property within the District of Columbia. This will generally pertain to statements or actions involving organized crime, hijacking, kidnapping, extortion, or acts of terrorism and involve documentation of organizations and members who engage in such illegal ventures.

c. Information and Files Pertaining to Persons Suffering Mental Disorders.

Information may be gathered on persons who appear to be suffering from mental conditions that may cause them to engage in criminal acts, or who forward threatening correspondance to governmental agencies that is obviously a product of their mental condition.

2. Limitations to Information Gathering Authorization.

It is the policy of this Department to preclude the gathering of information which does not meet established criteria in achieving the mission of the Investigative Services Division and to terminate data collection at that point at which the specific investigative objective is reached.

a. Original Information Collection Restrictions.

No member of the Investigative Services Division shall gather collect, or progress any information which is not directly supportive of an investigative objective as determined by the Director, the Inspectional Services Officer or the Chief of Police.

Information shall not be gathered or retained for purely interest purposes or for the reason that it may eventually relate to an established investigative objective, Information which relates to an individual's family, friends, associates, religion, personal habits, sex life and social interests shall not be gathered except where such a specific area relates to the investigation of an associated activity such as organized crime, or prostitution or to a preemployment investigation for position within the Department.

b. Subsequent Information Collection Restrictions.

Information collected which was properly initiated and conducted pursuant to established criteria shall be terminated when any of the following conditions are found to exist.

(1) Such level of data collection has been achieved which provides probable cause for arrest and prosecution of all persons involved in the conspiracy and/or organized group whose objectives violate the criminal statutes.

(2) The specific activity or threat which generated the need for data collection has become abated or altered and changed to such an extent as to make void the original investigative objective.

(3) The activity or threat is found to be false or non-existent.

D. Innumeration of Investigative Files.

On and after the effective date of these guidelines, it shall be the policy of this Department that all investigative files maintained within the Investigative

Services Division shall be restricted to those relating to the criminal investigations and interests set forth in paragraph B of these guidelines.

1. Organization File.

This file shall consist of investigative jackets on those organizations or conspirator groups engaged in committing criminal activities upon which the Investigative Services Division bears an investigative responsibility under the scope of these guidelines.

2. Individual File.

This file shall consist of investigative jackets on those persons who engage in criminal activities that are similar in nature, either independently or in loose association with others.

3. Criminal Threat File.

This file shall consist of information material on individuals or organizations who commit major criminal acts such as bombings, kidnappings, murders, extortions or terrorism in other cities or jurisdictions which, through cause or motivation, indicates the threat of similar events within this city.

4. Mental File.

This file shall consist of information on persons who exhibit mental derangement and a potential for committing violence, through overt acts such as the mailing of threat letters to government officials and public personalities.

5. Index Card File.

This file shall consist of cross index reference cards on each individual or organization named in the preceding files.

E. Information Gathering Components.

1. Investigators.

Recognizing the importance of the investigators' role in the Division's mission, it shall be the policy of the Department to institute such selection and training procedures as necessary to insure the proper functioning of each in fulfilling his responsibilities under these guidelines.

a. Selection Procedures.

All selections for assignment to the Investigative Services Division shall be based upon particular job qualifications as possessed by the applicant and requisite for all division members.

These essential qualifications shall include the following:

(1) Must be listed on the Department Detective Eligibility Register,

(2) Must possess a good work record with superior performance ratings by superiors.

(3) Must have record of unbiased and impartial attitude.

(4) Must be motivated and possess the ability to work efficiently alone and in harmony with others.

(5) Must be a proficient writer, able to document investigations and events.

(6) Past record must display a high degree of professionalism, dependability and have a good sick leave record.

(8) Must demonstrate a good working knowledge of the community and its residents.

(9) Must possess good appearance and ability to deal tactfully with all levels of the community.

b. Training Procedures.

Prior to assuming functional roles in the Investigative Services Division, all investigators will be trained and certified by the Division Director as follows.

(1) Training by the Director.

Immediately upon assignment to the Investigative Services Division, each new member will be issued a copy of the Division's guidelines and instructed in their provisions. This training will be handled by the Division Director, assisted as he deems necessary by each of the supervisory officials to whom the member will be assigned, and will include the following:

(a) Division Mission and Policy

(b) Investigative Constraints and Limitations

(c) Investigative Criteria

(d) Investigative Procedures

(e) Scope and Depth of Investigations

(f) Information Dissemination

(2) Training by the General Counsel.

Upon the assignment of a new investigator to the Division, the Director shall arrange a separate training session to be conducted by the General Counsel and his staff. This training session should cover legal principles associated with the investigative process and emphasize the individual's Constutional Rights as well as the investigator's obligation to avoid abuses in investigative gathering, retention, and dissemination function. This session shall include discussions on the following topics.

(a) Basic individual Constitutional Rights.

(b) Applicable case law and legislation.

(c) Principles of privacy, privilege and information dissemination.

(d) Abuse and sensitivity to social interests and community values.

(e) Future trends and pending legislation re the investigative mission.

(3) Training Certification.

Upon completion of both training elements to the satisfaction of the Director, the Director shall cause an entry to be made in the member's personnel file, indicating that the member has completed the sessions and the date attached thereof.

2. Undercover Officers.

Undercover officers are sworn members of the Metropolitan Police Department who are unknown either to the general public or to other members of the Department and who are assigned to limited criminal investigations which cannot be successfully concluded by more conventional means.

It is the policy of this Department that such persons shall not be utilized in investigative operations except upon the existence of extraordinary circumstances and after well grounded justification is prepared by the Division Director and approved by the Inspectional Services Officer.

Undercover officers may not be assigned to the Investigative Services Division for any purpose other than a major criminal investigation being conducted by the Director and his subordinate officials.

3. Informants.

Within our society, various major criminal acts are perpetrated to the extreme detriment of its collective members. These acts are devised and carried out by persons from widely diverse sociological and economic backgrounds and environments who operate within their own elements which contain attendant natural defenses.

These defenses which consist of familiarity with operational environment, personal contacts and associates, tend to insulate the criminal and insure his success.

Police officers, through the constraints of personal persuasion, background and professional requirements, are generally alien to the extremes of these elements. This fact serves to further benefit the criminal.

It therefore becomes essential that police agencies make use of vital information made available by certain persons from within the elemental environment of the criminal himself. The use of this supply of information from "informants" or "confidential sources" is both lawful and universally acceptable by law enforcement standards.

Consequently, members of the Investigative Services Division may receive information from this avenue provided, that it is in total compliance with the Division mission and information gathering criteria defined in these guidelines.

F. Information Gathering Procedures.

It shall be the purpose of this section to establish guiding policies for the functional gathering of criminal information through the following procedures:

General Investigative Procedures
Use of Electronic Devices
Use of Cameras and Photographic Equipment

1. General Investigative Procedures.

a. Functional Constraints.

Investigations shall not be conducted by members of the Division for non-criminal matters except for purposes of pre-employment clearances, as approved by the Chief of Police.

Investigations shall be initiated only upon the authorization of the Division Director or Branch Heads.

All investigations shall be conducted for specific purposes and shall contain well defined investigative objectives.

b. Handling of Informants.

The selection and use of informants shall be individually approved by the Director upon the recommendation of a subordinate official to whom the source will report.

Informants approved by the Director shall be listed in a source log maintained under lock by the Branch Heads. The log shall contain the true name and address of the informant, together with the name of an alternate member of the Investigative Services Division to whom the source may report.

Each approved informant source shall be given a reporting control number which will be recorded in the source log. This number shall be used in lieu of his name, identifying all subsequent information reports made by the source.

The use of informant information sources shall be restricted to the investigation of criminal cases and matters only.

Immediately upon the selection of a candidate informant, he shall be explicitly instructed by the official to whom he will report as follows:

(1) That his cooperation with this Division does not convey to him any privileges, responsibilities or immunities.

(2) That violations of criminal law by him may be prosecuted regardless of his cooperation with the Division.

(3) That information supplied by him, which is lawfully obtained, will be held confidential.

(4) That he is under no obligation to provide information and that the Division will accept only that information which is obtained legally and which involves criminal activity.

The source log maintained by the Branch Heads shall indicate that these instructions were issued and by whom.

Informants may be told the types of information which is of interest to the Division. However, specific operating instructions for obtaining the information shall not be issued under any conditions. Sources are not amenable to the administrative controls governing Police Officers.

c. Physical Surveillance.

Surveillances shall not be conducted by members of the Division in any matter not related to the active investigations of criminal offenses as provided by these guidelines.

Physical surveillances may be conducted upon individuals or premises in the course of active criminal investigations when they are known or suspected to be centrally involved in criminal activity and such surveillance would prove or disprove their connection.

Surveillances shall be authorized by officials of the Investigative Services Division as follows:

(1) A surveillance for less than 8 hours may be authorized and initiated by the official then in charge of the Unit.

(2) A surveillance for more than 8 hours shall be authorized by the Branch Head Captain or Lieutenant.

(3) Extended surveillances shall be authorized by the Director.

Whenever a surveillance is initiated at any of the above noted levels, the authorizing official shall report to the Director the reason and commitment.

d. Background Investigations.

Background investigations may be conducted by Division members as follows:

(1) Credit Bureau Checks.

Information may be requested from Credit Bureaus only upon approval of the Division Director or Branch Head.

Such approvals shall be based upon a clear showing that the information sought is, by its nature, directly related to a central issue in a criminal investigation and is necessary to substantiate facts independently indicated.

All information obtained shall be reviewed by the authorizing official prior to retention and filing.

(2) Employment Background Checks.

Employment histories may be conducted by members of the Division, upon approval by a supervisory official, in any investigations involving known or suspected crime figures or applicants for position within the Unit or for licenses as Special Police Officers, Detective Agencies and Security Guards.

The information obtained shall be reviewed by the authorizing official prior to retention or filing.

(3) Bank Records Checks.

No information shall be requested from any bank or financial institution except by Judical Subpoena issued by the Courts of the District of Columbia.

Those criminal investigations conducted by members of the Division which for cause indicate the handling or transfer of monies or securities which were obtained illegally by known or suspected crime figures, may be referred by the Director to the Office of the United States District Attorney for review and decision to seek a subpoena.

If the subpoena is issued and the records obtained, the Director shall review the material prior to filing in the investigative jacket.

2. Use of Electronic Devices.

The use of electronic devices and recording equipment by any member of the Investigative Services Division, or by any member of the Department, shall conform to the provisions of Public Law and/or General Orders of the Metropolitan Police Department.

a. Use of Electronic Devices and Voice Intercepts.

The use of electronic devices and techniques or means, which are controlled by Public Law and set forth in D.C. Code Title #23, Sections 541 through 556, shall be beyond the investigative prerogatives of any member of the Investigative Services Division.

b. Use of Tape Recorders.

Statutory law places no prohibition upon the recordings of conversations between individuals when at least one party to the conversation has advance knowledge and clearly consents to the recording.

However, operational restrictions are attached to such recordings by Department General Order 304.4 which provides that advance permission shall be obtained from the Inspectional Services Officer for each intended use.

Therefore, members of the Division may record conversations only under the controls explicit in General Order 304.4 and upon the showing of a demonstrated need for the recording as an essential component element in a criminal investigation.

3. Photographic.

Cameras and photographic equipment may be used by members of the Division in accordance with the following provisions.

a. Criminal Investigations.

Investigators conducting criminal investigations may use camera equipment to make films or photos which will:

(1) Assist in the identification of persons or property sought in the investigative objective, or

(2) establish a necessary element for successful case prosecution in the Courts of the District of Columbia.

Investigators requiring the use of camera equipment shall make such request to their supervising official who, if he approves such use, will log the data in a book established for that purpose within his Branch.

All films or photos, after processing, will be forwarded by the supervising official to the Director for his filing approval.

b. Non-Criminal Photography.

No member of the Division shall use camera equipment for any non-criminal activities, except upon the explicit authority of the Assistant Chief, Inspectional Services Bureau.

G. Filing Procedures.

No investigative information obtained from any source may be either retained or filed by members of the Division except in accordance with the following procedures.

1. Filing Concurrence Required.

It shall be the policy of this Department that investigative information may be filed by a member of the Division only upon the concurrence of a Branch Head or higher official.

Each member, up to the Director, who receives information which he believes meets the criteria established in paragraph A of these guidelines, shall deliver the material to his immediate supervisor who must concur in the assessment made by his subordinate prior to forwarding to the Branch Head for final authority.

2. Information Entry into Existing Files.

Each investigator or official receiving information through investigation or forwarding from other sources, shall execute an office information sheet with two carbon copies. He shall then deliver all copies to his superior official intact. That official will review the material for specific relevance under the criteria previously noted. If the official finds the material acceptable and pertinent to a file under his purview, he shall sign and date the forms and make the following distribution.

> The original copy will be entered into the established file. The first copy will be delivered to the Division Director, through the Branch Head, and the last copy retained by him for follow-up investigation as approved by the Director.

If the material pertains to a file within the purview of another official, all copies of the office information sheets will be turned over to that official who will sign and make distribution.

3. Information for Which no File Previously Existed.

No new file will be established except upon the explicit authority of the Branch Head and with the concurrence of the Director.

Information received by an investigator or official, which indicates full compliance with data gathering criteria, shall be entered upon an office information form with two carbon copies. All copies will be delivered through the immediate supervisor to the Branch Head. That official, a Lieutenant or Captain, will assess the data and make a determination whether a file should be established. He will then confer with the Director for concurrence and approval.

If approval is obtained, a file may be established and copies of the office information sheet distributed as before.

H. Review Procedures.

There is established in the Investigative Services Division the following information review procedures which shall apply to ALL innumerated file classifications. These procedures shall be documented by the reviewing officials as herein identified.

1. Policy and Guideline Review Procedures.

Inasmuch as the administrative application of these policies and guidelines are dependent upon compliance with all applicable laws in effect in the District of Columbia, the following procedure is established.

It shall be the responsibility of the General Counsel of the Metropolitan Police Department to continually review these guidelines in the light of current or proposed legislation and legal decisions which may impact upon them, and, as necessary, recommend changes to the Chief of Police.

He shall also keep the Director of the Investigative Services Division apprised of the existence of such pending legislation or judicial actions.

2. Initial Review Procedure.

Each Squad Sergeant of the Investigative Services Division shall, at least once each month, review each investigative file within his area of assignments. He shall determine that all entries thereon bear an official's signature and were entered in compliance with paragraph C of these guidelines.

He shall further determine whether the contents, in any part, continue to warrant retention. If, in his judgment, an entry may be removed as no longer of value, he shall recommend destruction to the Branch Head.

All file deletions and destruction shall be authorized by the Branch Head or Division Director.

3. Intermediate Review Procedure.

All investigative files, upon which his several Sergeants have initial review responsibilities, shall, not less than once in each 90 day period, be reviewed by the Branch Head. He shall ascertain that all entries were properly validated in the initial review process by the Squad Sergeant. He shall also further review each entry to determine that the first review process decision was correctly applied and make an independent judgment of his own.

If he determines that the material does not meet the established criteria or has, through further investigation, become out-dated or valueless, he shall remove and destroy it.

After ascertaining that all remaining entries are valid and correct, he shall validate the file by affixing the date and his signature to the file cover.

4. Journey and Terminal Review Procedure.

The Director shall, not less than once in each half year, review each investigative file together with the Branch Captain or Lieutenant and make a determination as to its continued merits.

The Director will remove any file or portion of file he determines to be of no further value and destroy it.

Those files to be maintained, in the judgment of the Director, will be validated on its cover by affixing his signature along with the review date.

J. Dissemination of Information.

All information files maintained within the Investigative Services Division shall be deemed to be classified and under the direct control of the Chief of Police, the Inspectional Services Officer and the Division Director. The dissemination and use of information shall be for cause and reponsive to specific and well-founded law enforcement needs only.

Therefore, all dissemination of information shall be in conformance with the following guidelines.

1. Internal Dissemination.

Investigative information may be released to the several units of the Metropolitan Police Department in accordance with the following guidelines.

a. Criminal Activity Files.

Information from Major Crimes Branch may be released by an official of the Investigative Services Division, or other member authorized by the Director, to an official of any unit within the Department which has a concurrent investigative responsibility or joint interest in the arrest and prosecution of criminal offenders.

b. Threat and Mental Files.

Information from these files may be released only by the official then in charge of the Unit, for particular cause, to Commanding Officers of organizational elements.

2. External Dissemination.

File information hereinafter deemed appropriate may be disseminated to other bona fide law enforcement agencies, when the information sought or to be provided is related to an active criminal investigation undertaken by the requesting agency pursuant to its lawful mandates, or relates to a criminal matter the outside agency should be aware of.

For purposes of this provision, such a determination may be made if the matter under investigation by the requesting agency is one in which this Department would have a similar or concurrent investigative responsibility under the D.C. Code, U.S. Code or regulations enacted by the D.C. City Council.

Provided further, that the requested information would be receivable by this Department under paragraph C of these guidelines which establish criteria for gathering investigative file information.

All requests for information which involve questionable points of law, freedom of information regulations or Justice Department guidelines, and those in which the requestor asserts a legal right to the information, such as through subpoenas, shall be coordinated through the General Counsel of the Metropolitan Police Department.

a. Recognized Law Enforcement Agencies.

For the purposes of these guidelines other bona fide law enforcement agencies shall include the following:

(1) Federal Bureau of Investigation

(2) United States Customs Service

(3) Internal Revenue Service

(4) United States Secret Service, to include Executive Protective Service

(5) Alcohol, Tobacco and Firearms Division, Treasury Department

(6) United States Postal Service

(7) Armed Forces Police Departments

(8) Immigration and Naturalization Services

(9) Department of State Security Division

(10) Drug Enforcement Agency

(11) United States Capitol Police

(12) United States Park Police

(13) National Airport Police

(14) Major Crimes Section, United States Attorney's Office

(15) State Police Agencies

(16) State Bureaus of Law Enforcement

(17) Major City Police Departments

(18) County Police Departments

(19) Local Police Departments not served by State Bureaus of Law Enforcement

(20) The Corporation Counsel for the District of Columbia

b. Information Appropriate for Dissemination to Other Law Enforcement Agencies.

Information may be disseminated to other law enforcement agencies as follows:

(1) Major Crimes Files.

Pertinent portions of Major Crimes Files, previously classified as exchangeable by the Director, may be released by officials of the Division only to Officials In Charge of the Specific Investigation in another jurisdiction, provided that the exchange is in person and further that the need for the information is clearly given and found acceptable by the responding official.

If the request is received by telephone, the receiving member shall advise the requestor to submit the request in writing except where an obvious emergency exists such as a specific threat or imminent criminal act is involved in which case the official may release the information.

(2) Criminal Threat File.

Information contained within this file relates to criminal matters occurring in other jurisdictions which were originally reported by the proper police agency in that jurisdiction.

Therefore, information from this file shall not be released to third party agencies who may request it.

Members of the Division who receive such requests shall refer the requestor to the original reporting agency for response.

(3) Mental File.

Information from this file shall not be released except upon approval of the Director.

c. Non-Law Enforcement Agencies.

Investigative Services Division file information shall not be disseminated to any non-law enforcement agency, department, group, organization or individual.

Any member of the Division who may receive a request for data from any such source shall make no response and shall refer the caller to the Director who will make note of both the request and non-response.

3. Material Dissemination.

All materials comprising the Investigative Services Division files other than routine investigator reports, news media clips and published documents, are considered special items and not subject to dissemination within or without the Department except upon written application to and approval by the Director. The Director's decision to approve such applications will be based solely on investigation of, and prosecution of criminal offenses. These items may consist of the following.

a. Photographs

b. Tapes and transcripts

c. Correspondence from individuals

d. Reports supplied by other police agencies

4. Investigative Services Division Reports.

All reports and communications prepared for forwarding or dissemination by any member of the Division shall be approved and signed by the Division Director.

J. Recording Information Dissemination.

It shall be the policy of this Department to maintain a permanent record of all disseminations of investigative information made pursuant to the provisions of these guidelines.

This function shall be accomplished according to the following procedures:

1. Record Log Established.

Within each Branch of the Division there will be established two bound record log books, indexed by months of the year and columnized to provide the following data.

a. Date

b. Name of requestor and agency or unit

c. Information requested

d. Reason for request

e. Information provided

f. Name of responding member

One of the books will be labeled "Intra-Departmental Information Dissemination" and all such disseminations logged regardless whether by phone or in person.

The second book will be labeled "Extra-Departmental Information Dissemination" and all such disseminations logged in a like manner.

A list of the appropriate agencies noted in these guidelines shall be affixed to the inside front cover of this book for reference.

2. Recording Required Data.

Upon the receipt of each request for information, the Division member handling the request shall make complete entries in each column of the log book, in handwriting and in ink.

If the requested information cannot be supplied under the provisions of paragraph I of these guidelines, the following entry shall be made in the space marked "Information Provided":

"Request does not comply with guidelines - Information not furnished."

K. Disposition of Investigative Files.

All information reports not meeting file criteria and files, including portions or entries, which are removed or aborted through the several review processes, shall be destroyed and no part maintained by any member of the Investigative Services Division. Further, such destruction shall be accomplished immediately and information not allowed to be conveyed to other parties.

Unless otherwise instructed by the Division Director, all destruction shall be done by shredding.

L. Audit Procedures.

It shall be the policy of this Department to periodically audit the files, records and operations of the Investigative Services Division for compliance with the directives set forth in these guidelines.

This audit process will be established and function through the following procedures:

Responsibilities of the Director
Responsibilities of the Inspectional Services Officer

1. Responsibilities of the Director.

   a. The Director of the Division shall establish such operational procedures as necessary to assure the orderly and uniform compliance with these guidelines.

   b. He shall deliver to the Inspectional Services Officer a monthly report on the operations of the Division which will provide the following information:

(1) The name of each individual and organization upon which a file has been established during the preceding month.

(2) The reason for establishing each file.

(3) The name of each individual or organization for which a file was terminated during the preceding month, together with the reason for such action.

(4) The total current number of files maintained under each classification noted in paragraph D of these guidelines.

(5) The number of information disseminations made during the reporting period.

c. The Director shall provide the Inspectional Services Officer with his assessment of operations under these guidelines on a regular and routine basis and make such recommendations for change as he sees necessary.

2. Responsibilities of the Inspectional Services Officer.

a. The Inspectional Services Officer shall review the monthly audit reports submitted by the Division Director and cause such special reports as he deems necessary for complete accounting.

b. He shall personally inspect the files and operational procedures of the Division on an annual basis to the extent necessary to assure himself that the provisions of these guidelines are being fully complied with.

c. He shall, after such annual inspection, confer with the Chief of Police and advise him of the status of the Division.

Maurice J. Cullinane

Maurice J. Cullinane
Chief of Police

MJC:taj

EXHIBIT K

TERRORIST LITERATURE

Members of the Investigative Services Division, Metropolitan Police Department, on November 23, 1979, while in the area of the Islamic Center, 2551 Massachusetts Avenue, N.W., observed a group of people distributing a flier, attached, signed by a group of people known as the Islamic Guerrillas in America (IGA). They list their address as 2551 Massachusetts Avenue, N.W., Washington, D.C. 20008. These fliers became of extreme concern to this division because they contain specific threats urging people to commit acts of violence. These acts of violence are to further the Islamic Revolution.

In furtherance of the Islamic Revolution, these fliers urged followers of the Muslim religion to target American citizens, specifically "Zionist females in America," and other high ranking persons who are instrumental in establishing U.S. foreign policy. This targeting, stated in the flier, is construed to mean the murder of Zionist women and other high ranking government officials who, as stated, are instrumental in the establishment of foreign policy.

The Muslims are urged to use not only conventional guerrilla weapons such as shotguns, handguns and gasoline bombs but also other weapons which can be utilized with a relatively no-noise factor, i.e. daggers, razors, short solid steel clubs, etc.

Another section of the flier indicates that Islamic guerrilla warfare in the United States must not be unplanned. "Strategies must be thorough, i.e. targets must be chosen and then in committing these acts, it is not necessary for a Muslim to sacrifice himself or herself in such efforts." It further states that the weapons should be chosen in correlation with targets or persons in mind, timing nocturnal and counter considerations, personal safety and retreat methods.

Subsequent to the obtaining of this particular flier, another flier was obtained by members of this division, also attached. This flier also contains threats of guerrilla warfare in the United States. One particular segment of the second flier indicates "An Islamic retaliatory guerrilla struggle in these United States would materialize and continue to exist as a legitimate defensive jihad (holy war) which once triggered by U.S. Presidential mistake would likely be protracted and extremely difficult to completely halt, even with organized Islamic community efforts." It goes on to state, "To counter any possible events Carter, Brzezinski and others of the council should not feel that the deployment of U.S. National Guard troops will suffice America's civil security requirements in this sort of prolonged situation."

Another section of the flier says, "Furthermore, President James Carter, the U.S. National Security Council, Congress, the United States Government and the American people should not believe that the increasing numbers of immigrant and indigenous Muslims in this country (the United States) will not engage in a period of domestic insurrection in the event of U.S. military intervention (in the country of Iran)."

A third flier obtained says that "The Muslim population in America applauds the Islamic struggle in Iran and would be most receptive to a request from our devout brother The Honorable Ayatollah Khomeini for holy war."

بسم الله الرحمن الرحيم

THOUGHTS AND STRATEGIES OF ISLAMIC GUERRILLA WARFARE

IN

THE UNITED STATES

The divine parameters of Al-Islam as a universe of spiritual & intelectual thought and continual religious discipline include community & inividual opinions, attitudes and positions on political issues as they ight directly relate to the interests of the Islamic Jummat, nationally nd internationally. Thus, when political issues develop which affect he Islamic community in part or in whole, the entire Islamic community must ave involvement towards the resolution of the issue.

Muslims in America should not consider themselves an isolated community rom the rest of the Islamic world; we have a special responsibility to llah and to our consciences to come to the defense of Al-Islam in no unertain terms, methods and resources to represent the determined stance of l-Islam when America is involved in a political situation or an on-going old war that concerns or threatens the safe interests of the Islamic community.

As well, the rest of the Islamic community, leaders and 'Arab-Islamic' countries around the world must also have the knowledge that there are active Muslims in the United States who are willing and able to come to the defense of Al-Islam when any part of the community is threaten; as well, they must be supportive of our efforts in real terms. Further, a so-called Muslim who does not understand that our community is a very important segment of the whole Islamic society is himself or herself a threat and dangerous element of the community.

Thus, because Al-Islam is a total way of life, we must be prepared and willing to defend our lively interests and future with rhetoric, demonstrations, coordinated policies, and physical warfare if necessary. Permission is given from the Almighty Allah to engage in warfare in the defense of Islam and there occasionally comes a time throughout history by Allah whe warfare by Muslims in defense of the community as a whole is the most intelligent method, both spiritually and politically.

The United States has threaten the Islamic community with the use of their military 'option' in what it considers in the interests of the American people and country. Such threats have been recently targetd at the Islamic Republic of Iran where our fellow Muslim brothers and sisters are active in the Islamic Movement behind the cry "Allah-u-Akbar", God is Great. And indeed God is Great.

Muslims in America can not any longer tolerate such arrogence by the U.S. and must now prepare to stand behind of Islam in warfare in the United States. At the point when the United States initiates military action against our community, measures must counter until the whole of our community is safe. One must also remember that the U.S. is indirectly endangering our community by their military & financial support of the so-called state of israel.

BDB

However, Islamic guerrilla warfare in the United States must not be unplanned. Strategies must be thorough, e.g., targets must be chosen

2

argets persons in mind, timing, nocturnal encounter considerations,
ersonal safety, retreat methods, etc. But most importantly, it is not
ecessary for a Muslim to sacrifice himself or herself in such efforts.

Muslims should not limit themselves to conventional guerrilla weapons,
.g., shotguns, handguns, gasoline bombs, but other weapons which can be
tilized with a relatively no noise factor, e.g., daggers, razors, short-
olid steel clubs, etc. With a relatively no-noise factor involved in
n attack, the Servant or Servants of Allah can vacate the location/scene
f the encounter unnoticed or inconspicuous.

Because U.S. foreign policies are made by individuals some targets
ay exist as high-ranking persons; although, any American citizen can be
argeted. However, all successful encounters must be later anonomously
nnounced and publicized with statements left at the encounter, messeges to
he press (domestic & foreign), etc. (Any American can be targeted since
o American is innocent as long as U.S. foreign policies are to the deter-
ent of the Islamic community.) By Allah's mercy, Muslims will place fear
n the hearts and minds of the kafir.

Since zionists are influencial in U.S. policies, the targeting of
ionist females in America can be effective towards our cause if these
ontinued guerrilla strategies are made known to the U.S. public and
overnment.

Our holy Quran gives us comfort with the revelation that the kafir
re hypocrites, criminals of the earth and that believers and non-believers
re not of the same calibre in the sight of God Almighty. The Quran reveals
hat Victory is with the Islamic community, however, Muslims must not think
hat simply because our final victory is indeed within the future we can
it back comfortably and relax. If Muslims in the United States are not
repared and actually willing to come to the defense of Al-Islam, the WRATH
f ALLAH will surely come to our community by the efforts of the kafirs.

May Allah bless our community, our members and may Allah give some of our
eaders more strength to be more publically outspoken and supportive of
he Islamic World Movement, or may they be replaced.

As-Salaam-Alaikum brothers and sisters.

I.G.A.

(Islamic Guerrillas in America)

2561 MASSACHUSETTS AVENUE N.W.
WASHINGTON, D.C. 20008, U.S.A.

Community Instructions: Duplicate, disseminate, circulate this article.)

بسم الله الرحمن الرحيم

MUSLIMS IN THE UNITED STATES MUST CONTINUE TO EQUIP THEMSELVES WITH THE TOOLS OF GUERRILLA WARFARE

The United States' desperate struggle against the Islamic Movement in Iran is continued proof that it is not in the interest of America for third world people to strive for self-determination. For the United States to maintain the international status quo, it must oppose all revolutionary movements which are designed against any form of imperialism, international zionism, and racism.

The recent meeting between the so-called U.S. Islamic leaders and Carter (December 5, 1979) at the so-called Executive Office was a fiasco; fore, the devious Administration of Carter was no more interested or concerned about the 'suggestions' of these 'leaders' for a peaceful resolution to the U.S.-Iran crisis than is this federal satan concerned or interested about human rights for Palestinian Muslims.

Carter beckoned these so-called Islamic persons to his office to measure the strength and unity of the Islamic Community in the United States and how much of an alliance it has with the threatening Islamic Revolutionary World Movement; fore, Carter and the Federal Government are growing increasingly aware of the potential danger of a significant Islamic presense in the United States.

The majority of the Islamic persons who met with Kafir Carter are not accepted by the devout Islamic Community in the U.S. as sincere Muslims fore, it has been witnessed that many of them seek only the physical comforts & pleasures of the contemporary world and the powers of so-called office positions (which most of them do not have the support of the Community).

Fortunately, by inviting those particular individuals (a small minority of which do actually represent the legitmate interests of the Islamic Revolutionary World Movement), it is still evident that Carter nor federal intelligence mechanisms have any idea of the true nature of the Islamic presence and movement throughout America. Fore, the vast majority of Muslims & Islamic students in the United States regard America as the great Satan personified, and are united in faith and determination with the rest of the Islamic Revolutionary World Movement.

Muslims in the United States are a vital arm of the Islamic Revolutionary World Movement, fore, in this U.S. den of evil are the principal enemies of peace found... zionists hypocrites & kafirs.

Muslims and Islamic students must continue to equip themselves with the tools of defense in preparation to protect the institutions and securities of Islam. Already many of our masjids have been burned in the U.S. and Muslims attacked and maimed, as a result of kafir rejection of truth.

Congressmen, Senators, the Executive Staff, zionist authorities and their families, and all kafir Americans who threathen Islamic securities must be brought into the 'scopes' of physical Jihad. Let us not be fooled by their ways and words; fore, they have rejected faith, are hypocrites and are the worse of creatures according the the divine revelations of Allah Almighty.

Further, Islamic materials, financial & moral support must be increased for our struggling Brothers & Sisters currently active in Jihad in Afghanistan, Lebanon, Morocco, and other locations. In addition, communications and support with & for the Islamic populations in the U.S.S.R., People's Republic of China, and other repressed situations must be intensified.

The Islamic Revolutionary World Movement, by the divine graciousness of Allah Almighty, has successfully entered a new era of magnificence. It is left to the individual Muslim to further discipline himself/herself in Islam in order that each can achieve their intended potential designed by Allah.

We, Muslims operating & struggling in America must continue to evolve more spiritually and politically conscious, as we contribute our intended roles and lives to the overall Jihad whose victory belongs to the Islamic World Community.

As it is revealed in the Islamic faith, by Allah, Lord of the Universe, MUSLIMS ARE THE BEST OF NATIONS.

- Allah-u-Akbar & As Salaam Alaikum.

BROTHERHOOD OF ISLAM
Washington, D.C./New York

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المركز الإسلامي بواشنطن

Muharram, 1400 A.H.
November, 1979

THE UNITED STATES CANNOT AFFORD MILITARY INTERVENTION IN ANY ISLAMIC COUNTRY

(A Release)

In the immediate issue of the United States - Iranian crisis and in the interest of universal peace and continued international development, Mr. James Carter, the President of the United States, must order the immediate extradition of the ex-shah to Iran to justifiably face the judicial process, as initially condoned by human and international laws.

Attitudes by some U.S. government officials and advisors that the Iranian people may or may not be acting rationally during recent and current events are partially irrelevant to the more deadly issues. What is at hand is a crisis which possesses the potential through a domino phenomenon involving international monetary & currency affairs, geopolitical petroleum ownerships, controls & pricing policies, armed religious fervors & allegiances, and general social chaos that can lead to warfare in continental proportions and possible U.S. - Soviet complications. These possible issues are real enough and have already begun to emerge with the matters of the Iranian - U.S. petroleum embargo, the freezing of Iranian government assets in U.S. jurisdictions and its far-reaching financial & political implications, and the Soviet Union's publically stated intolerance of any U.S. military presence or interference in Iran.

Furthermore, President James Carter, the U.S. National Security Council, Congress, the U.S. Government and the American people should not believe that the increasing numbers of immigrant and indigenous Muslims in this country (the United States) will not engage in a period of domestic insurrection in the event of U.S. military inter-

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An Islamic retaliatory guerrilla struggle in these United States would materialize and continue to exist as a legitimate defensive jihad (holy war) which, once triggered by a U.S. Presidential mistake, would likely be protracted and extremely difficult to completely halt, even with organized Islamic community efforts. To counter any possible events, Carter, Brzezinski, and others of the Council should not feel that the deployment of U.S. National Guard troops will suffice America's civil security requirements in this sort of prolonged situation.

The American people and especially the U.S. Federal government must swiftly acknowledge, in an actual manner, the inevitable reality of America's increasing interdependence with other people of this world, particularly with people of the third world, be they Islamic in character or not.

With this realization, America must further rationalize that its foreign policies must as well evolve to safeguard U.S. civil & economic securities; otherwise, America will undergo a self-inflicted automatic process of destruction, internally, and externally.

America, as the technological pride of humanity, must not allow these events to develop. President Carter must immediately act to peacefully resolve this current crisis by arresting and extraditing the ex-shah by an Executive Order in the security interests of the United States and other nations which desire peace and co-existance.

President Carter must follow this recommended action or force the American people, the American Society and its economic and cultural structure to unaffordably and needlessly suffer the potentially fatal consequences. Given the economic international status quo, America has relatively more to lose than any other parties involved.

Mistakes made by former administrations cannot be undone by further and more grandeur blunders. Is American pride more valuable than American lives?

* * *

بسم الله الرحمن الرحيم

MUSLIMS IN AMERICA SUPPORT THE AYATOLLAH KHOMEINI

During President Carter's carefully staged so-called conference with the media (Nov. 28) concerning the crisis between the United States and the Islamic Republic of Iran, he stated his personal belief (which coincides with most Americans), that the "United States is the most moral country in the history of the world", directly implying that the essence of Islam is not moralistic. Whatever Carter's delusions may be, actual demographic statistics reveal that with at least 10 - 20 million publically confessed homosexual & lesbian perverts as U.S. citizens (a figure as researched and published by the Washington Star newspaper 11-28-79), the United States and people, in sexually related moral social terms, represent the most morally exhausted and socially dieased country in the history of humankind.

America's so-called greatness is immediately made void by its population explosion of homosexuality which stretches from the highest stratas of the U.S. Congress and corporate enterprises, to the lowest gutters of the American street.

With this single reality in mind, which really is no new realization even to the Western world, neither Jimmy "Peanut" Carter or any other American has the right to challenge another country's, people's, or religion's moral character. Compared with the United States, homosexuality, incest, juvenile delinquency, suicide, adultary, fornication, alcoholism, criminal violence, drug abuse, and the public tolerance of such cultural traits which typify American Society, is for all practical purposes non-existent in islamic countries or Islamic society in general.

Relatively speaking however, America is indeed the most moral, and thus civilized country in the world; but only to Americans, regardless of their own contradicting demographic statistics which they choose not to think about too much when straining to defend their so-called U.S. character & honor.

Americans and all unbelievers construct their moral and political principles not on natural or religious premises, but on self-conceived ideals, which through a socio-evolutionary process eventually come to file claim against any religious or spiritual ideals. Thus to Americans, in the final social development, America is the only true god and the only religion worth believing in is Americanism.

This socio-psychological process governing America is the primary contributor to its own decadance, and the events of the U.S.-Iranian scenario are for the United States natural dramatics of socio-political flux which were destined to publically stripe the U.S. and its metaphysic parallel of its international facade with exposure of moral hypocrasy to the core, political corruption, and worst of all among the many other distortion of civilized society, the evidence of U.S. self-deceit.

Ethnically speaking, Americans are social maggots and the United States capitol building is an earth-wort temple in dedication to the material & cultural exploitation of third world people.

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However reassured the Islamic World may feel with itself in relationship with divine principles, religious practice, and natural resources, because of U.S. self-deceit/conceit that its role in international affairs is to be one of a grand totalitarian legislator, Muslims (whether we be Iranian, Saudi, Afro-American, Libyan, Hausa, etc.), must begin to further comprehend and anticipate the political & economic dangers with which such a barbaric attitude presents. Eventually as society evolves and U.S. natural resources diminish and diminish, America will have to go to no ends to preserve its materialistic image and political position in the world, to the expense of 'friendships'.

The Islamic World is not going to disappear, in fact, not only is its population increasing, but as well, due to the growing utilization of technology as a means toward Islamic civil development, nuclear energy development & armament (Libya & Pakistan), and other socially progressive evolutions, Allah is allowing the Islamic World to attain its proper political affluence on earth which to some Muslims is long, long over due. With this attainment of increased political affluence (which is not ascribed to by material/technological accumulation but by popular PAN-ISLAMISM of the common Muslims of the world), Islamic leaders (particularly of those few countries which traditionally align themselves in nearest to the U.S., i.e. Saudi Arabia, Egypt, Morocco) must strive harder to evolve their national agendas more with the tune of the Islamic World Movement or anticipate eventual unconspired revolution by their own Islamic masses which are currently calling for a total centrifusion of Islam on the social & political tables of space.

The seizure of the U.S. Embassy in the Islamic Republic of Iran can not be looked upon as an isolated event in the historic movement of Islam against universal injustice and oppression, fore, Al-Shariat as a means to justice, must eventually take precedence over so-called 'international law' which is self-conceived anyway.

The events in Iran calling for the return of the criminal ex-Shah or else is a just and ideal tactic against the satanic United States which posesses a history of oppression and injustice against peaceful loving people of the world. It is about time that the United States's facade was striped away and exposed as Satan's Dajjal.

The Muslim population in America applauds the Islamic struggle in Iran and would be most receptive to a request from our devout brother the Honorable Ayatollah Khomeini for Holy War.

A newsletter of the

ISLAMIC COMMUNITY IN THE UNITED STATES